

**ATTACHMENT** A  
This forms part of application  
# DVP22-0114  
Planner Initials **BS**  
City of Kelowna  
DEVELOPMENT PLANNING



City of  
**Kelowna**

# Development Variance Permit DVP22-0114

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

**200 Cariboo Road**

and legally known as

**Lot A Section 4 Township 23 ODYD Plan EPP85121**

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                      September 20<sup>th</sup>, 2022

Decision By:                                      Council

Existing Zone:                                      RU6 – Two Dwelling Housing

Future Land Use Designation:              C-NHD – Core Area Neighbourhood

## **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:                      Genevieve Schulz & Nicolas Schulz

Applicant:                      Urban Options Planning Corp.

\_\_\_\_\_  
Terry Barton  
Development Planning Department Manager  
Planning & Development Services

\_\_\_\_\_  
Date of Issuance

## 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

That variances to the following section of the Zoning Bylaw No. 8000 be granted:

**Section 13.6.6(h): RU6 – Two Dwelling Housing Development Regulations**

To vary the required minimum rear yard from 7.5 m permitted to 4.5 m proposed.

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

## 3. INDEMNIFICATION

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

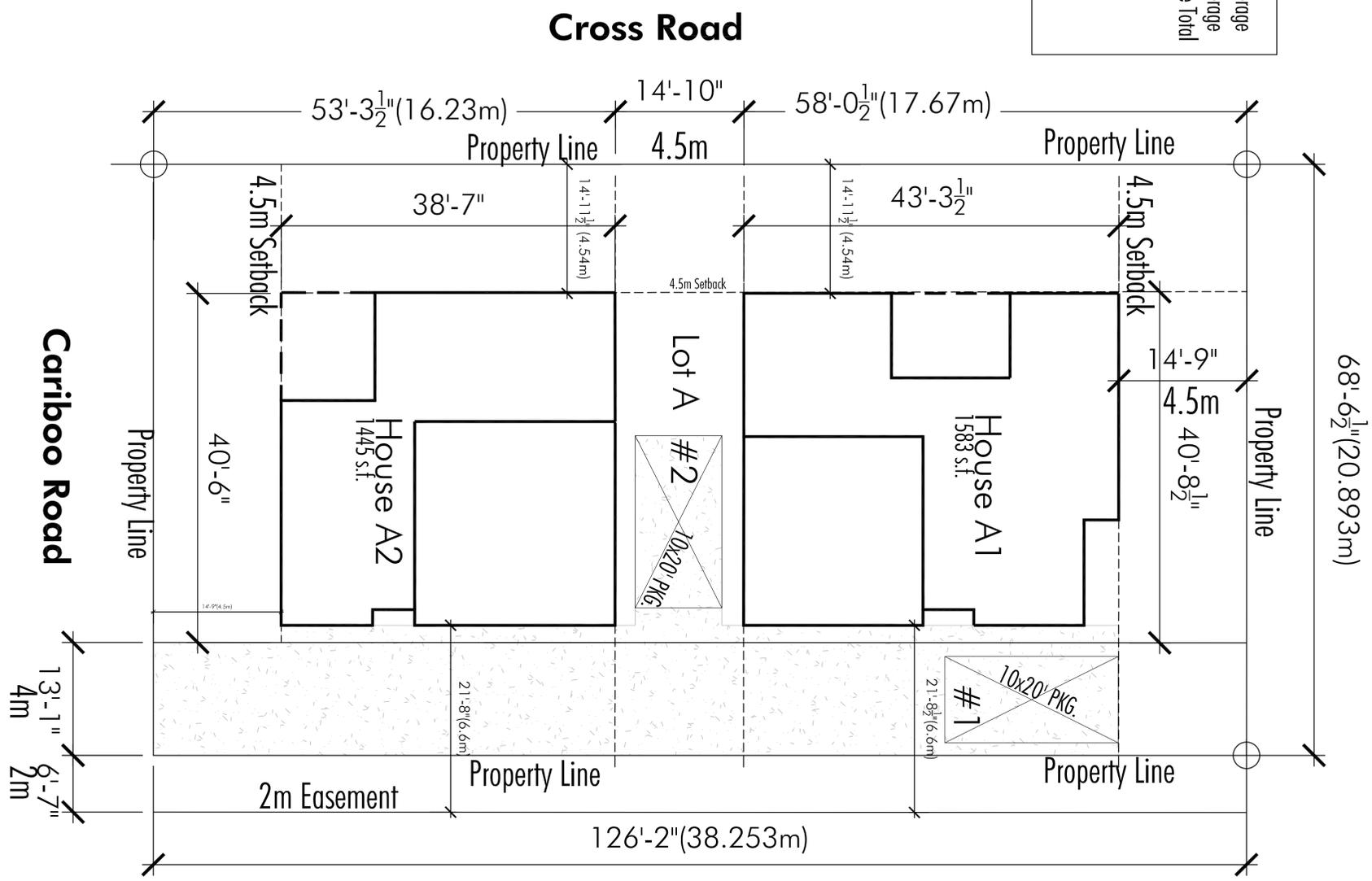
- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

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.**

<b>ATTACHMENT</b>		<b>A</b>
This forms part of application		
# DVP22-0114		
Planner Initials	<b>BS</b>	 City of <b>Kelowna</b> DEVELOPMENT PLANNING

8625 s.f. Lot 1583 s.f. Lot Coverage  
 RU6 1445 s.f. Lot Coverage  
 EPP85121 37% Lot Coverage Total



**SCHEDULE** A

This forms part of application  
 # DVP22-0114

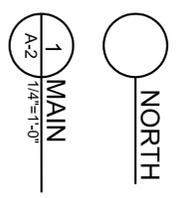
Planner Initials **BS**

**City of Kelowna**  
 DEVELOPMENT PLANNING

**Drawing List**

- A-0 Site Plan
- A-1 Foundation Plan G
- A-1.1 Foundation Plan N
- A-2 Lower Plan G
- A-2.1 Lower Plan N
- A-3 Main G
- A-3.1 Main N
- A-4 Upper Plan G
- A-4.1 Upper Plan N
- A-5 Roof G
- A-5.1 Roof N
- A-6w Elevations G
- A-6e Elevations N
- A-7w Elevations G
- A-7e Elevations N
- A-8 Section/ General Notes
- A-9 Section/ General Notes

**Vicinity Map**



**KH** INC.  
 DESIGN  
 CUSTOM DESIGN

488 Shallo Crescent  
 Kelowna BC  
 V1W 4L8  
 250-575-0590

**200**  
 Cariboo Road  
 Kelowna BC

DRAWN BY: KJH  
 PROJECT: 18-22  
 FILE:  
 ISSUE: DATE  
 Drawing Issued 8/24/2022  
 SCALE:

Site Plan

**A-0**



**ATTACHMENT B**

This forms part of application  
# DVP22-0114

Planner Initials **BS**

City of **Kelowna**  
DEVELOPMENT PLANNING

April 26, 2022

City of Kelowna  
**Urban Planning Department**  
1435 Water Street, V1Y 1J4  
Kelowna, BC

Development Variance Permit Application to Reduce the Rear Yard Setback at 200 Cariboo Rd.

## Introduction

Dear Planning Staff,

The purpose of this application is to secure a Development Variance Permit for a two-dwelling housing project at 200 Cariboo Road. The property is zoned RU6 – Two Dwelling Housing and is currently vacant. Context photos are provided to show the current configuration of the neighbourhood. The property is quite large with an area of 800.3m<sup>2</sup> and can easily support two-dwelling housing. Aside from the Variance application, all setbacks and regulations under the RU6 zone have been met as part of this application.

## Official Community Plan Objectives

This proposal conforms to the 2040 OCP – Future Land Use direction of *Core Area Neighbourhood*, as two-dwelling residential is a supported use. In addition, the following pillars are met:

1. Stop planning new suburban neighbourhoods.

Creating sensitive infill within existing neighbourhoods reduces the desire for new suburban neighbourhoods to be planned. In turn, those who wish to rent or purchase a new dwelling can do so without constructing a new single-family home in a new neighbourhood.

2. Promote more housing diversity.

The *Core Area Neighbourhood* Future Land Use designation allows for a range of housing forms within existing neighbourhoods in the core area. Due to the setback requirements on a corner lot, two-dwelling housing is a great way to utilize the existing property and services to create a diverse housing option in a neighbourhood which has experienced limited redevelopment.

3. Protect our environment.

Constructing two-dwelling housing an existing building envelope reduces the need for environmental impacts such as blasting, site grading, and tree removal on new lots.

## Development Variance Permit

As previously mentioned, this application is to secure a Development Variance Permit for the rear yard setback. The setback will be reduced from 7.5m to 4.5m. There are multiple reasons why we believe the setback Variance is reasonable from a planning perspective. Please see below:

1. The subject property is abutting the rear yard of Lot 9, 1910 Cross Road. An accessory structure with no windows is currently built adjacent to the property line. Therefore, no view obstruction from the neighbouring property is anticipated despite the Variance proposed. Although the setback Variance is proposed for the rear yard, it appears that the rear yard acts as a side yard due to the configuration of the subject property and its proximity to the neighbour.
2. Since the subject property is on a corner lot, the front yard setback and flanking street setback requirement is 4.5m. In addition, the north side yard contains a 4.0m Easement which restricts development on the north side. Reducing the rear yard setback to 4.5m allows the property to be developed with a reasonable footprint for each dwelling despite the setback and Easement restrictions.
3. The project has been designed with a 4.5m setback between both dwellings to fit with the existing rhythm of the neighbourhood which is single-detached residential. The proposed Variance to the rear yard will evenly balance the proposed dwellings on the subject property.
4. The Variance application will allow both dwellings to have access to an equal amount of outdoor yard space.

## Easement Details

As included in the submission documents, Easement CA7346189 consists of a shared driveway access between Lot A and Lot B. This Easement is beneficial to the safety of the neighbourhood since the property is located on the corner of Cariboo Road and Cross Road. In addition, the access Easement protects the electric facilities located at the Cariboo Road frontage. The driveway width of 6.0m services Lots A and B and conforms to Subdivision, Development & Servicing Bylaw No. 7900.

## Conclusion

We believe this project creates sensitive infill in an area of Kelowna which has experienced limited redevelopment since it was constructed in the 1970's. It is anticipated that the neighbourhood is changing with its amalgamation into the Core Area Neighbourhood. For any questions regarding the application, please contact Urban Options Planning Corp. at the undersigned.

Regards,

Urban Options Planning Corp.  
By its authorized signatory, Birte Decloux, RPP MCIP

<b>ATTACHMENT</b>		<b>B</b>
This forms part of application		
# DVP22-0114		
Planner Initials	<b>BS</b>	
		<b>City of Kelowna</b> DEVELOPMENT PLANNING