

Development Variance Permit

DVP22-0216



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

1160 Stonepointe Ct

and legally known as

Strata Lot 32 Section 30 Township 26 ODYD Strata Plan KAS3162

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

Single-Family Dwelling

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

Date of Council Approval: March 21, 2023

Existing Zone: RU1 – Large Lot Housing

Future Land Use Designation: S-RES – Suburban Residential

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

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: James Hiebert

Applicant: Urban Options Planning Corp.

Terry Barton
Development Planning Department Manager
Planning & Development Services

Date of Issuance

ATTACHMENT	A
This forms part of application # DVP22-0216	
Planner Initials	BS
City of Kelowna DEVELOPMENT PLANNING	

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 Council authorizes the issuance of Development Variance Permit No. DVP22-0216 for Strata Lot 32 Section 30 Township 26 ODYD Strata Plan KAS3162 located at 1160 Stonepointe Ct, Kelowna, BC;

AND FURTHER THAT variances to the following section of Zoning Bylaw No. 12375 be granted:

Section 11.5: RU1 – Large Lot Housing Development Regulations

To vary the maximum principal building height from 10.0 m permitted to 13.56 m proposed.

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.

ATTACHMENT		A
This forms part of application		
# DVP22-0216		
Planner Initials	BS	 City of Kelowna DEVELOPMENT PLANNING



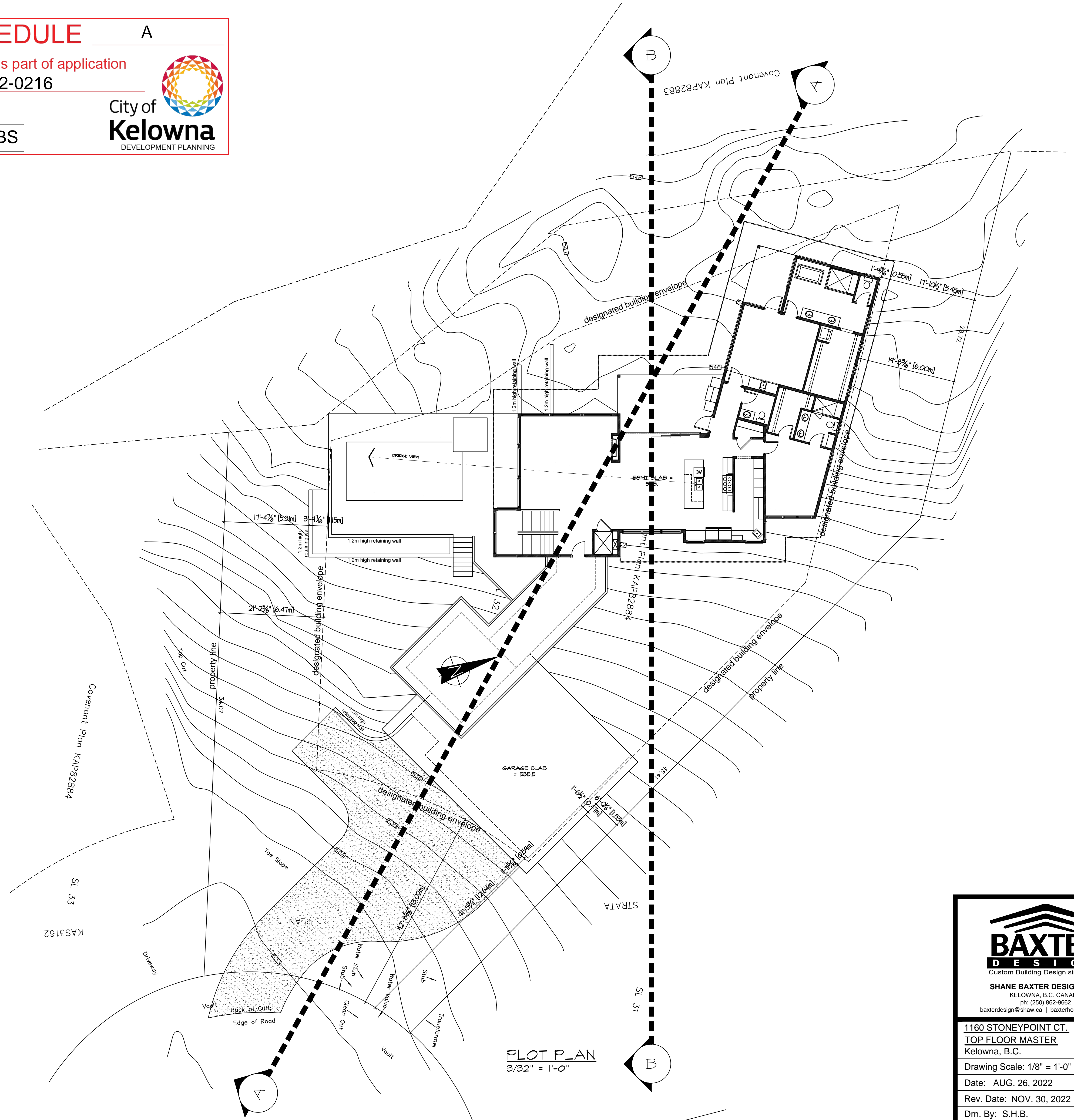
ERRORS AND OMISSIONS

- BAXTER DESIGN and SHANE BAXTER shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor.
 - BAXTER DESIGN and SHANE BAXTER makes every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and sub-trades to check and verify all dimensions and details before commencing with their portion of the construction. Should any discrepancies be found on these plans please advise our office so we can make the necessary corrections.

SCHEDULE A

This forms part of application
 # DVP22-0216

Planner Initials **BS**



BAXTER DESIGN
 Custom Building Design since 1991
 SHANE BAXTER DESIGNS INC.
 KELOWNA, B.C., CANADA
 ph: (250) 862-9662
 baxterdesign@shaw.ca | baxterhouseplans.com

1160 STONEPOINT CT.,
 TOP FLOOR MASTER
 Kelowna, B.C.
 Drawing Scale: 1/8" = 1'-0" (UNLESS NOTED)
 Date: AUG. 26, 2022
 Rev. Date: NOV. 30, 2022
 Drn. By: S.H.B.

Height Variance Application **1**/**8**

SCHEDULE

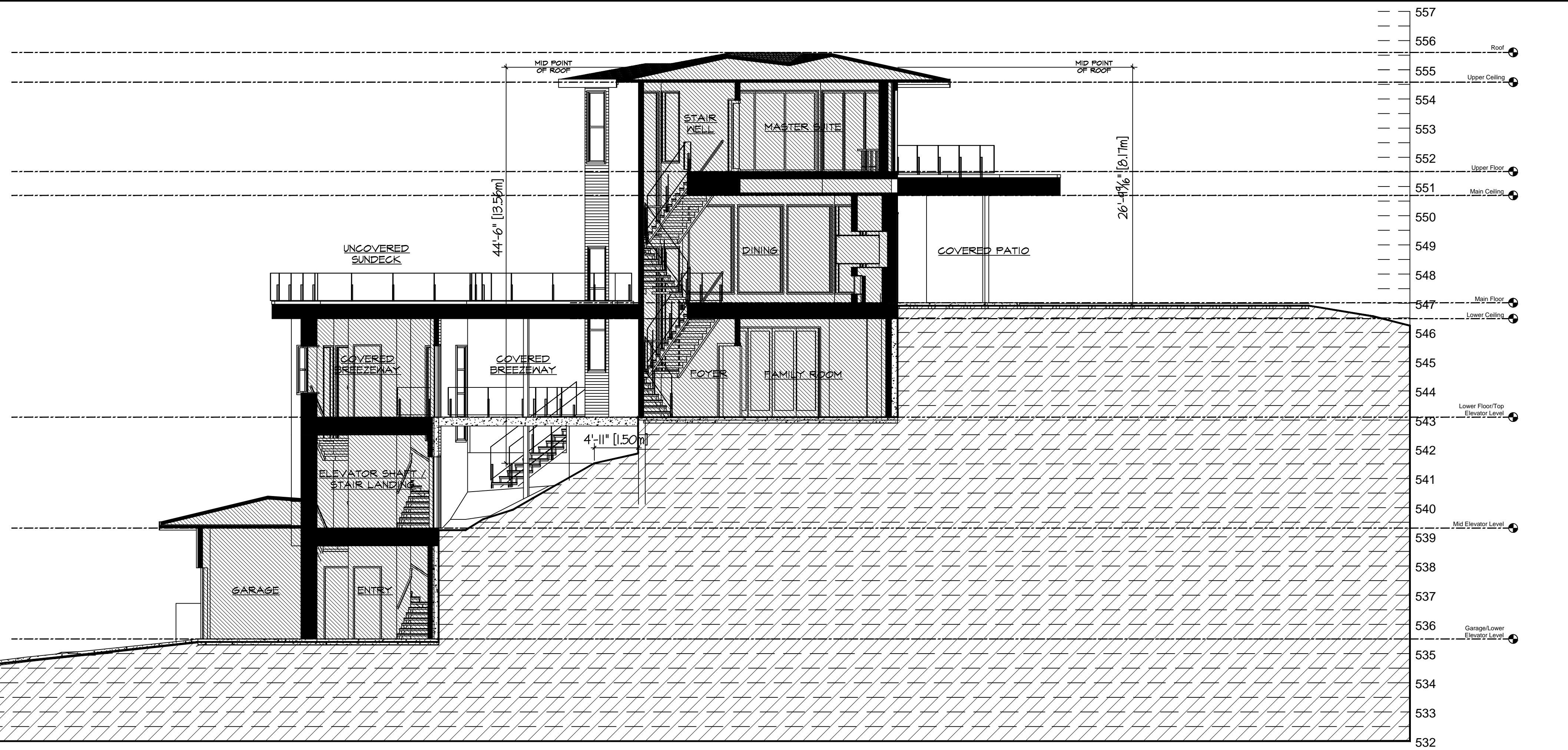
B

This forms part of application
DVP22-0216

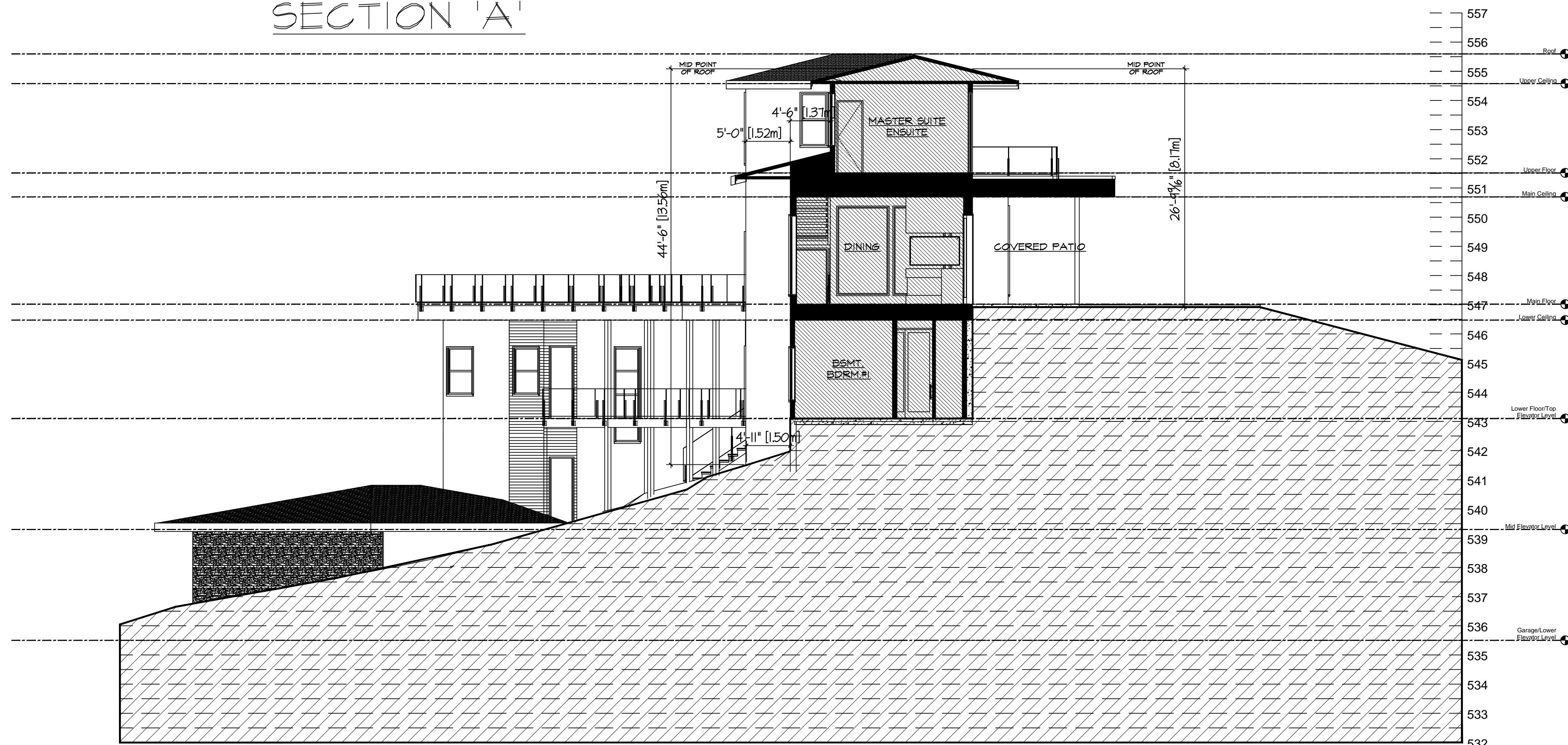


City of
Kelowna
DEVELOPMENT PLANNING

Planner
Initials **BS**



SECTION 'A'



SECTION 'B'

ERRORS AND OMISSIONS

BAXTER DESIGN and SHANE BAXTER shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor. BAXTER DESIGN and SHANE BAXTER makes every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and sub-trades to check and verify all dimensions and details before commencing with their portion of the construction. Should any discrepancies be found on these plans please advise our office so we can make the necessary corrections.



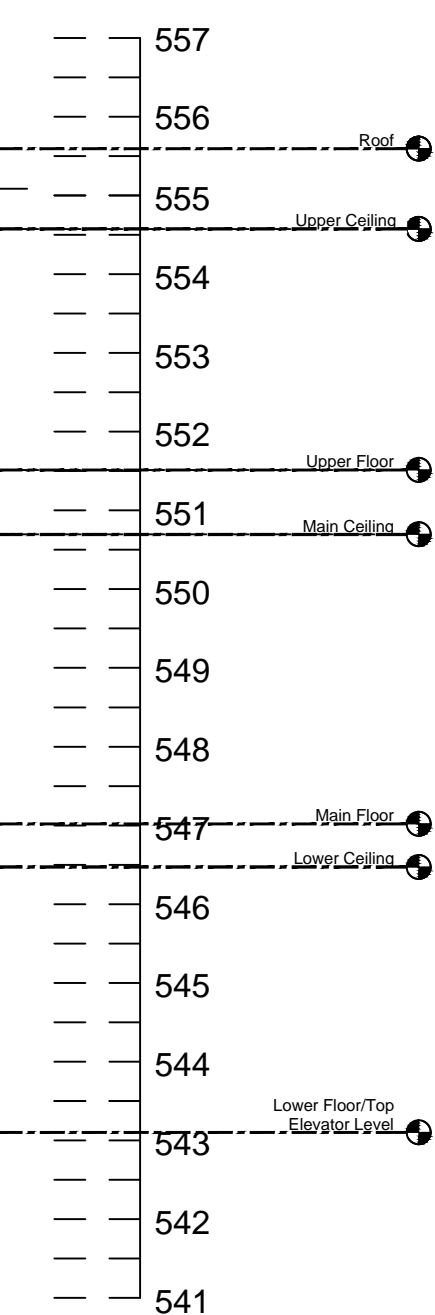
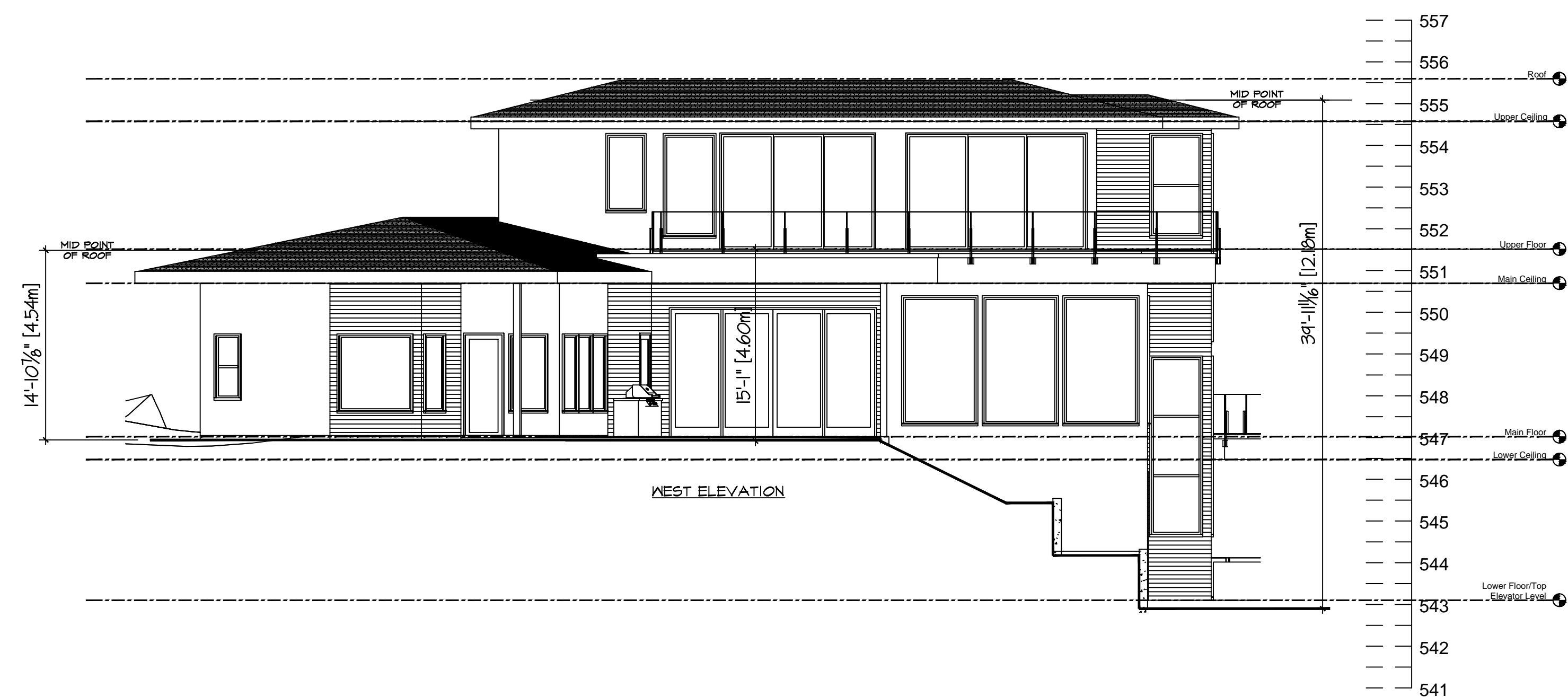
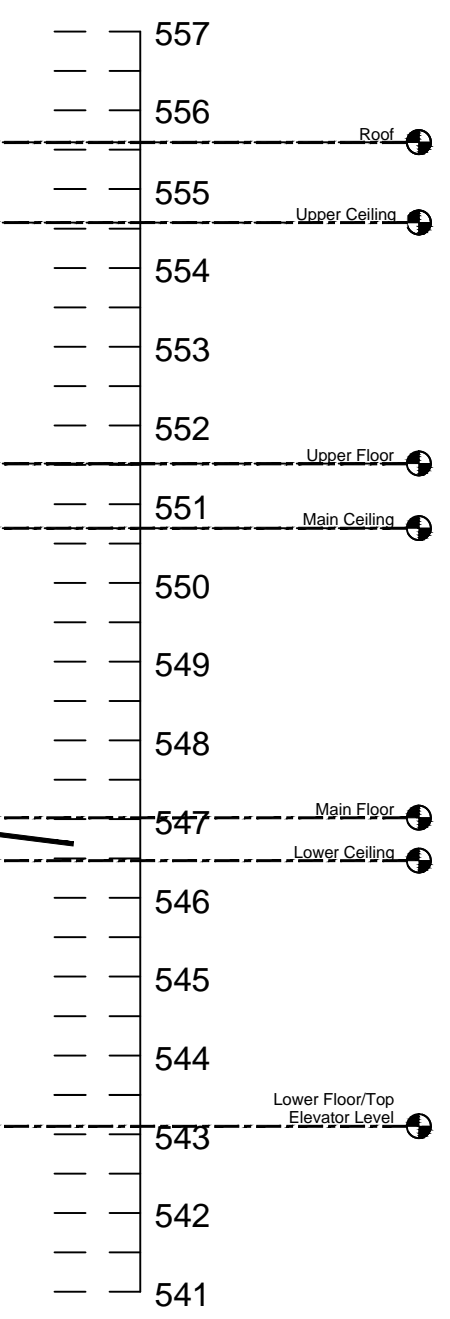
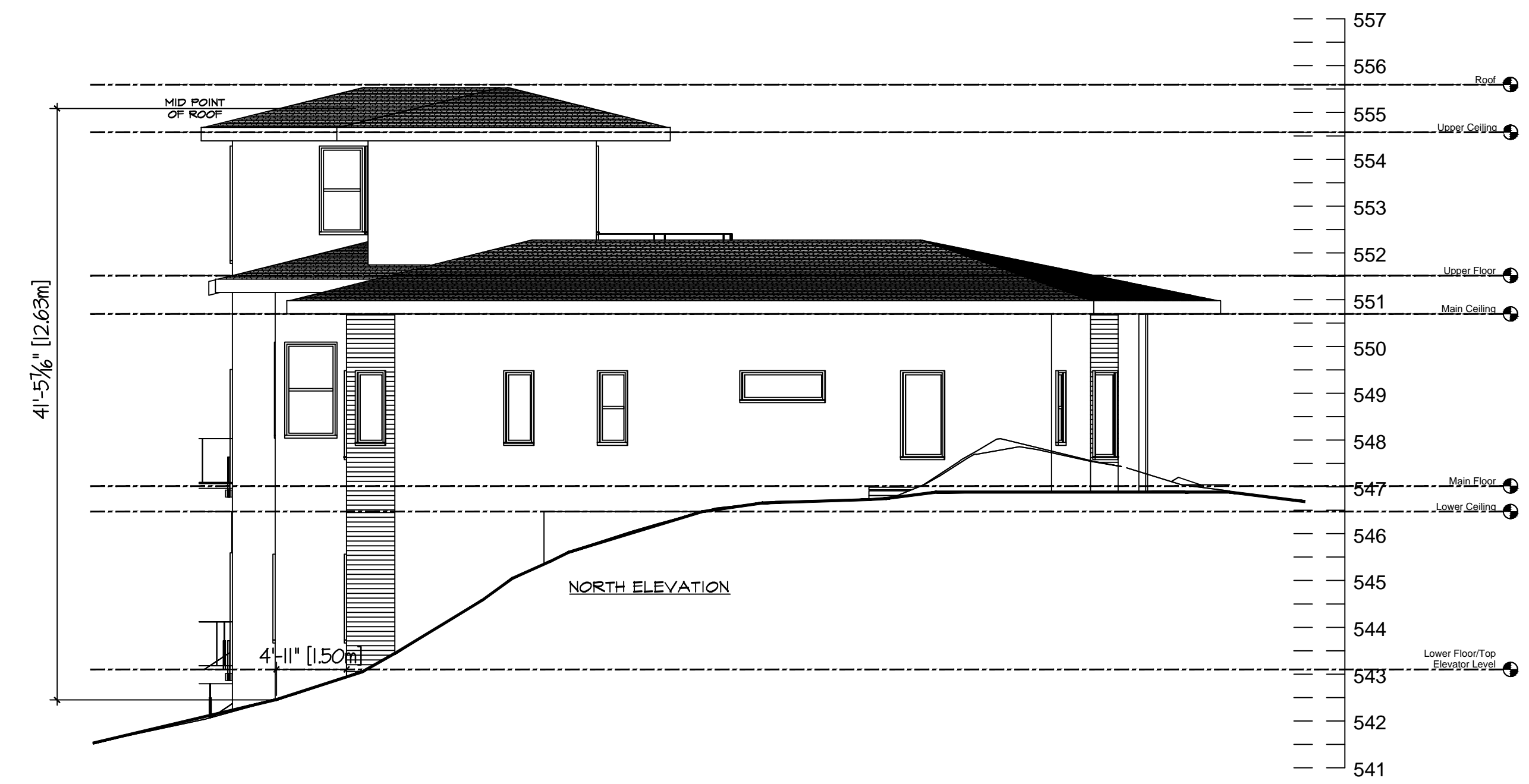
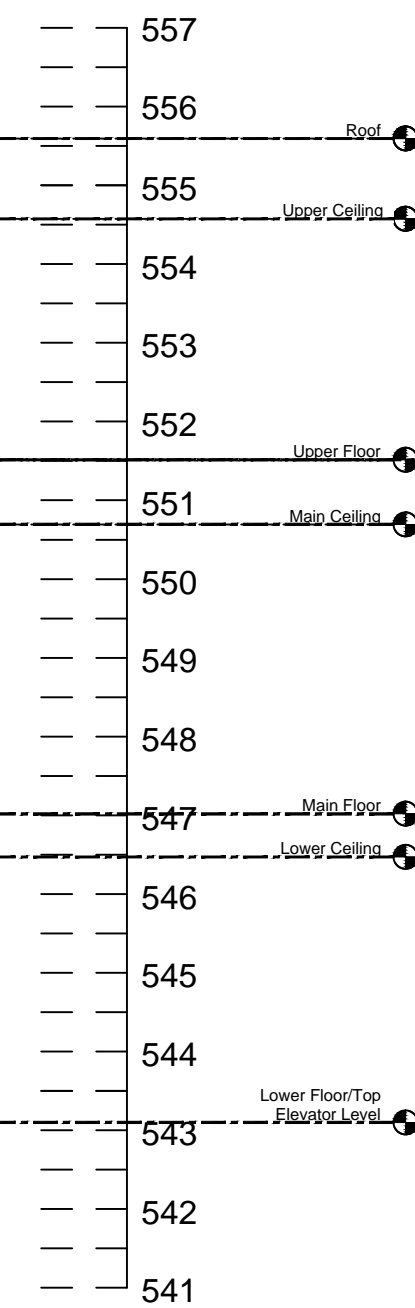
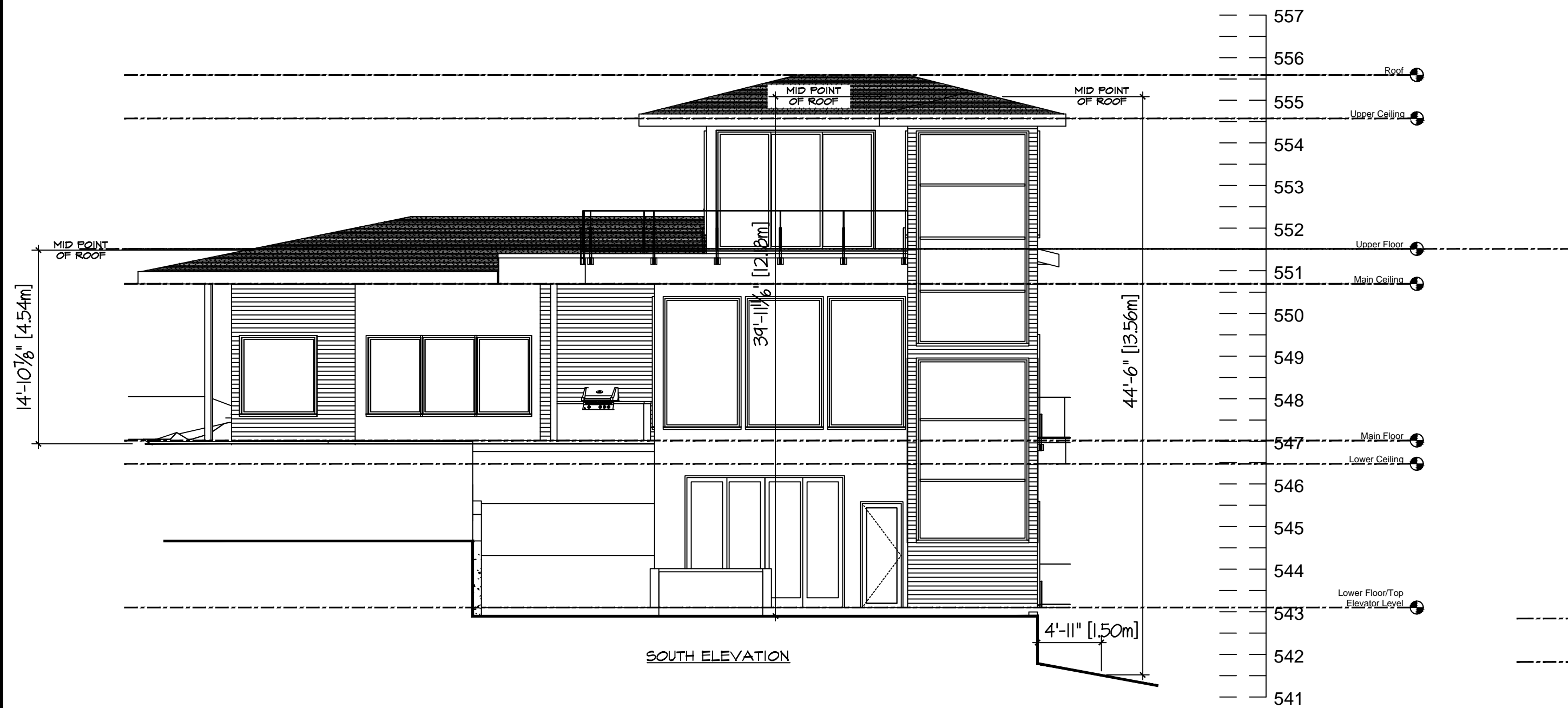
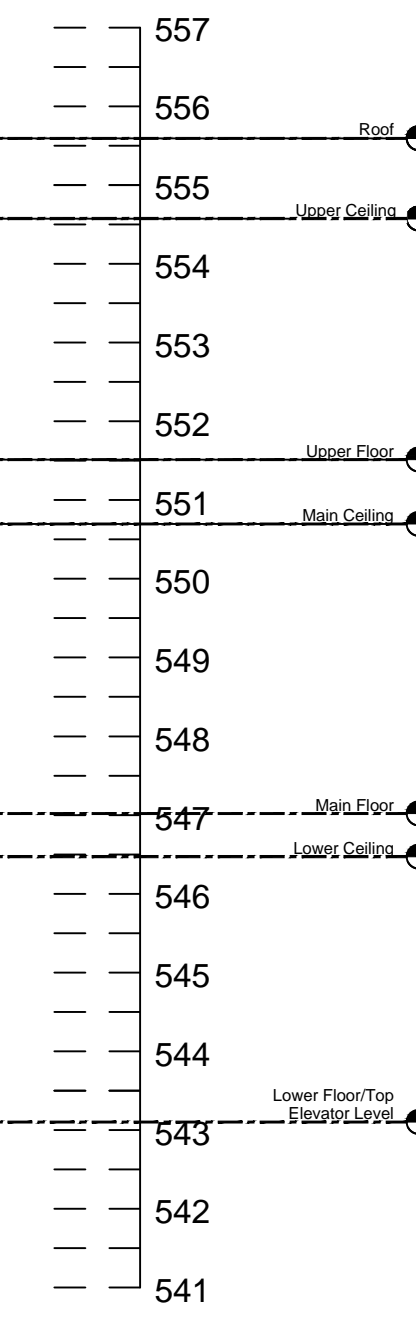
SHANE BAXTER DESIGNS INC.
KELOWNA, B.C. CANADA
ph: (250) 862-9662
baxterdesign@shaw.ca | baxterhouseplans.com

1160 STONEYPOINT CT.
TOP FLOOR MASTER
Kelowna, B.C.
Drawing Scale: 1/8" = 1'-0" (UNLESS NOTED)
Date: AUG. 26, 2022
Rev. Date: NOV. 30, 2022
Drn. By: S.H.B.
Height Variance Application

SCHEDULE B

This forms part of application
DVP22-0216

Planner
Initials **BS**



ERRORS AND OMISSIONS

BAXTER DESIGN and SHANE BAXTER shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor. BAXTER DESIGN and SHANE BAXTER makes every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and sub-trades to check and verify all dimensions and details before commencing with their portion of the construction. Should any discrepancies be found on these plans please advise our office so we can make the necessary corrections.



SHANE BAXTER DESIGNS INC.
KELOWNA, B.C. CANADA
ph: (250) 862-9662
baxterdesign@shaw.ca | baxterhouseplans.com

1160 STONEPOINT CT.,
TOP FLOOR MASTER
Kelowna, B.C.
Drawing Scale: 1/8" = 1'-0" (UNLESS NOTED)
Date: AUG. 26, 2022
Rev. Date: NOV. 30, 2022
Drn. By: S.H.B.



ATTACHMENT **B**

This forms part of application

DVP22-0216

Planner
Initials

BS



September 30, 2022

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

Development Variance Permit Application to Construct a Single-Family Dwelling
at 1160 Stonepointe Ct.

Dear Planning Staff,

This application is seeking a Development Variance Permit to allow for an increase in building height for the principal dwelling from 10.0m permitted to 13.56m proposed.

The subject property has many limiting factors, such as the following:

- The site is constricted by a substantial rock outcropping that limits the potential building envelope.
- Several covenants are registered on title to protect natural features with no-build areas.
- There is a large elevation difference from the road to the suitable building area.

As a result of these site constraints, the proposed design for the residential dwelling and associated accessory garage must be creative and innovative. Although the client is only seeking a single-family dwelling, the proposal includes an accessory building located at road level, and a principal dwelling located at a higher elevation near the top of the rock outcropping. The two buildings are connected with an open sided breezeway.

The proposed building design utilizes a freestanding garage located adjacent to the road frontage with a slab elevation of 535.5m. This accessory building features an elevator and stairway that projects above the roof elevation of the garage which serves as the connection point to the dwelling located at a higher elevation. The connection to the dwelling is designed as an unenclosed passage. This principal building is designed with a basement slab elevation of 543.1m, which is approximately 7.6m above the garage slab elevation.

The home consists of a ½ basement/foundation situated within the rock and a single storey with a roof top deck. A stairway provides access to the rooftop deck area which conforms to the allowable 10.0m building height. However, when considering options, it became desirable to locate the master bedroom at the level of the rooftop deck. The addition of a living area to this roof area, while increasing the building height to the proposed 13.56m height, will not increase the height of the permitted stairway tower, which is the dominant visual element of the building facing the road.

Comparison Perspective Drawings

The proposed living area at this level will have minimal visibility from the road frontage, as noted on the rendered perspective of the building from the road shown below:



View from road – with master bedroom



View from road – without master bedroom



View from yard near road – with bedroom



View from yard near road – without bedroom



View from side yard – with bedroom



View from side yard – without bedroom

ATTACHMENT B

This forms part of application
DVP22-0216

Planner Initials **BS**

City of Kelowna
DEVELOPMENT PLANNING

Under the recently adopted Zoning Bylaw 12375, the RU1 – Large Lot Housing zone requires the building height to be measured from grade located 1.5m from the building. Owing to the steeply sloped grade at the building site, this adds approximately 0.4m to the building height.

Neighbourhood context

A visual inspection of the neighbourhood appears to show several constructed residences which have been built with 3 storeys facing the road. It can be assumed that the measured height of the building facing the road would then exceed the maximum permitted height of 9.5m (Zoning Bylaw 8000). In reviewing variance applications for building height in the neighbourhood, only one (DVP15-0271) was similar located at 732 Highpoint Pl. to allow for a building height of 12.19m.

Conclusion

We feel that the requested height variance has a minor impact on the neighbourhood for several reasons.

- The topography creates challenges in developing a dwelling on the site.
- This “subdivision” is developed as a Bare Land Strata, where the roads that front the dwellings are private roads that are accessed through an entry gate, thereby limiting public access. The subject property is located approximately 640m from the nearest public road.
- The height of the stairway to access the roof top deck is the same as the proposed master bedroom creating a minimal visual difference.
- The upper floor is limited to a master bedroom and ensuite to keep the upper floor areas minimal. The entire area is stepped in from the lower floor to minimize the visual impact.
- Previously, a variance had been granted in the immediate neighbourhood for additional height.
- As visually demonstrated, the proposed additional floor space is not visible directly from the street and is considered a minor impact to the two direct neighbours.

In conclusion, we ask that you support this variance to allow this home to be constructed as planned and allow the landowners to enhance their beautiful property in a desirable area of Kelowna. Please contact me at 250.575.6707 with any questions.

Regards,

Birte Decloux, RPP MCIP
Urban Options Planning Corp.

