



COUNCIL REPORT
Development Services
For the June 11, 2019 Council Meeting

DATE: June 4, 2019 File: DVP 19-04
TO: Jim Zaffino, CAO
FROM: Hailey Rilkoff, Planner
RE: Application: Development Variance Permit (DVP 19-04)
Address: 2680 Campbell Road
Legal: Lot 3, Block 1, DL 485, ODYD, Plan 10798
Owner/Agent: Emma and Ian Crosthwaite

RECOMMENDED MOTION:

THAT Council authorize the issuance of a Development Variance Permit (DVP 19-04) for 2680 Campbell Road to vary Zoning Bylaw No. 0154 S.10.4.5(g).2 and S.10.4.5(g).3 to reduce the Rear Parcel Boundary Setback from 3.0m to 1.2m and to reduce the Interior Side Parcel Boundary setback from 1.5m to 0.3m for an existing pool house in accordance with the attached permit: and,

THAT Council authorize the issuance of a Development Variance Permit (DVP 19-04) for 2680 Campbell Road to vary Zoning Bylaw No. 0154 S.10.4.5(g).3 to reduce the Interior Side Parcel Boundary setback from 1.5m to 0.3m for an existing shed in accordance with the attached permit.

RATIONALE:

The recommended motion is based on the following:

- The shed and pool house on the subject property were existing structures when the current owners purchased the subject property in July of 2018;
- The applicant has submitted a petition with signatures of support from four neighbouring properties;
- No negative impacts are anticipated to result from approval of the requested variances.

LEGISLATIVE REQUIREMENTS:

Section 498 of the *Local Government Act* gives Council the authority to issue a Development Variance Permit that varies, in respect of the land covered in the permit, the provisions of the Zoning Bylaw.

BACKGROUND:

A bylaw enforcement complaint triggered the need for a Development Variance Permit and Building Permit for two existing accessory buildings when the applicants began rebuilding the existing shed structure. Neither the shed nor the pool house were permitted when originally built by the previous property owner(s).

Location and Surrounding Uses

The subject property is an R1 zoned parcel with a Single Family Residential OCP future land use designation. It is located in the Casa Loma neighbourhood and is surrounded by the R1 Single Family Residential Zoned parcels.

Proposal

The applicant is requesting a variance to reduce the Side Yard setback for an existing shed and to the Side & Rear Yard setbacks for an existing pool house (See Figure 1).

Pool House

The pool house is located in the South East corner of the property and is approximately 9.1 m² and 4 m high (98 ft² and 13 ft high). The ground floor contains mechanical equipment for the pool and the second story is currently being used for storage (previous owners used the second storey as a children's playhouse). The siting is 0.3 m from the Interior Side Parcel Boundary and 1.2 m from the Rear Parcel Boundary requiring a Variance. The building's height conforms to the Zoning Bylaw as the maximum height for accessory buildings in the R1 Zone is 5.0 m (16.4 ft). As the pool house is under 100 ft² no building permit is required.

Shed

The shed is attached to the garage of the single family dwelling on the East side of the property and is approximately 25 m² (floor area) and 2.9 m high (270 ft² and 9.6 ft high). The siting is 0.3 m from the Interior Side Parcel Boundary requiring a Variance. A building permit is currently in-stream for the shed. The Building Department has been working with the applicant regarding this permit who are aware that fire rated walls and non-combustible siding will be required due to the proximity to the property line and is a condition of the variance permit if approved.

Applicant Rationale

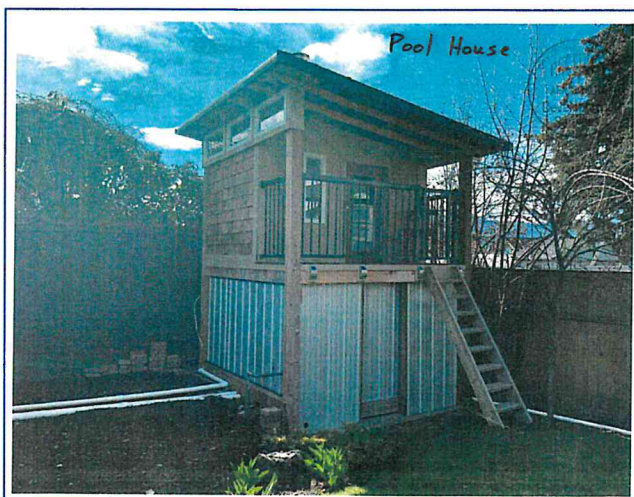


Figure 2 - Pool House

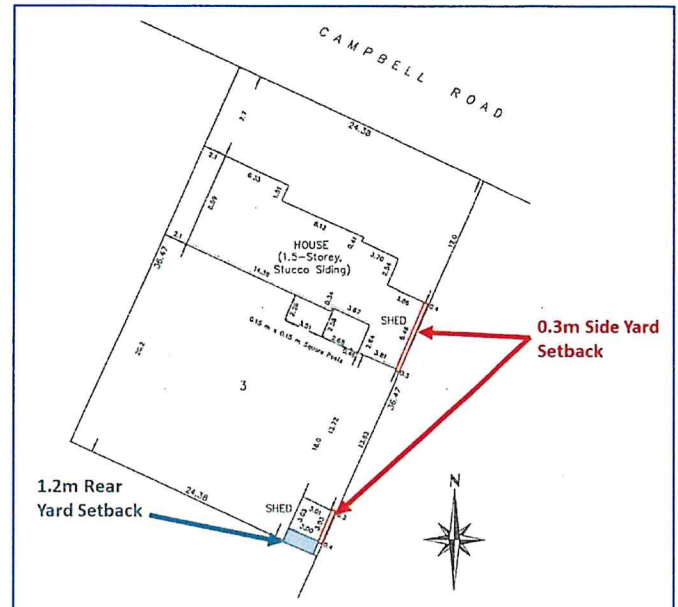


Figure 1 - Site Plan

Pool House Setbacks – This building pre-dates the applicants' purchase of the property. They are not planning on making any changes to the structure, but would like to keep it as it is now.

The applicant feels it would be difficult and cost prohibitive to increase the setback by moving the structure, because of the permanent pool equipment housed within it. In the past the upper level of the pool house was used as a children's playhouse and is currently being used for storage. The pool house is no longer used as a playhouse, and, the applicants believe there should be no concerns about privacy.



Figure 3 - Shed

Shed Setback – The shed structure under construction replaces a similar sized shed, which was built in the same space by a previous owner. The applicants felt the previous structure was dilapidated, and was not structurally sound or visually appealing. The proposed replacement shed will match the style of the house, and will be more aesthetically pleasing. The applicants feel this would add to street appeal of the neighbourhood. The side yard is screened with a cedar hedge and taller trees

The applicants have included four signatures of support from neighbouring properties (*Attachment 4*).

POLICY, LEGISLATION AND BYLAW REVIEW

Zoning Bylaw

The subject property is zoned Single Detached Residential (R1). The purpose of this zone is to accommodate low density single detached residential use on parcels of land that are 550 m² and larger.

10.4.5 R1 Regulations Table

Siting Regulations	R1 Zone	Proposed
Rear Parcel Boundary	3.0 m (9.8ft)	1.2 m for pool house
Interior Side Parcel Boundary	1.5 m (4.9 ft)	0.3m for shed 0.3m for pool house

REFERRAL COMMENTS:

This application was considered by internal departments. There were no major concerns as part of the review process that were not addressed by the applicant.

PUBLIC NOTIFICATION

A Notice of Application sign has been posted on site as per the Development Applications Procedures Bylaw No. 0131. Additionally, variance notification letters were sent to all property owners and their tenants within 100 meters of the subject property (48 letters total). At time of writing this report, no public correspondence has been received regarding this application.

ALTERNATE MOTIONS

THAT Council deny the issuance of a Development Variance Permit (DVP 19-04) for 2680 Campbell Road to vary Zoning Bylaw No. 0154 to reduce the Interior Side Parcel Boundary setback and the Rear Parcel Boundary Setback for an existing pool house; and

THAT Council deny the issuance of a Development Variance Permit (DVP 19-04) for 2680 Campbell Road to vary Zoning Bylaw No. 0154 to reduce the Interior Side Parcel Boundary setback for an existing shed.

Should Council deny the proposal, the file will be closed. As per the City's Procedures Bylaw, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

Respectfully submitted,


Hailey Rilkoff
Planner




Brent Magnan
Planning Manager


Nancy Henderson
General Manager of Development Services

Powerpoint: Yes ☒ No ☐

Attachments:

1. Development Variance Permit
2. Subject Property Map
3. Site Photos
4. Proposal Summary and Signatures of Support
5. Public Notification Map

Approved for Agenda	
 for Jim Zaffino, CAO	 June 6/19 Date

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**CITY OF WEST KELOWNA
DEVELOPMENT VARIANCE PERMIT
DVP 19-04**

To: Emma and Ian Crosthwaite
2680 Campbell Road
West Kelowna, BC V1Z 2V3

1. This Permit is issued subject to compliance with all of the Bylaws of the City of West Kelowna applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands within the City of West Kelowna described below thereon:

Lot 3, Block 1, DL 485, ODYD, Plan 10798 (2680 Campbell Road)

3. This permit allows for an existing pool house to be sited within the rear and side parcel boundary setbacks and an existing shed to be sited within the side parcel boundary setback. Specifically this permit varies Section 10.4.5(g).2 of Zoning Bylaw No. 0154 to reduce the required rear parcel boundary setback from 3.0m to 1.2m and Section 10.4.5(g).3 of Zoning Bylaw No. 0154 to reduce the required side parcel boundary setback from 1.5m to 0.3m, subject to the following conditions:
 - a. Fire rated walls and non-combustible siding for the shed is required due to the proximity to the property line.
4. The land described herein shall be developed strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof.
5. **This Permit is not a Building Permit.**

AUTHORIZING RESOLUTION NO. CXXX/19 PASSED BY THE MUNICIPAL COUNCIL ON JUNE XX, 2019.

ISSUED ON XXXXX XX, 2019

Signed on _____, 2019

City Clerk

Schedule A:

1. Site Survey Respecting Pool House and Shed Siting

B.C. LAND SURVEYOR'S CERTIFICATE

ON LOT 3, BLOCK 1, DISTRICT LOT 485,

O.D.Y.D., PLAN 10798

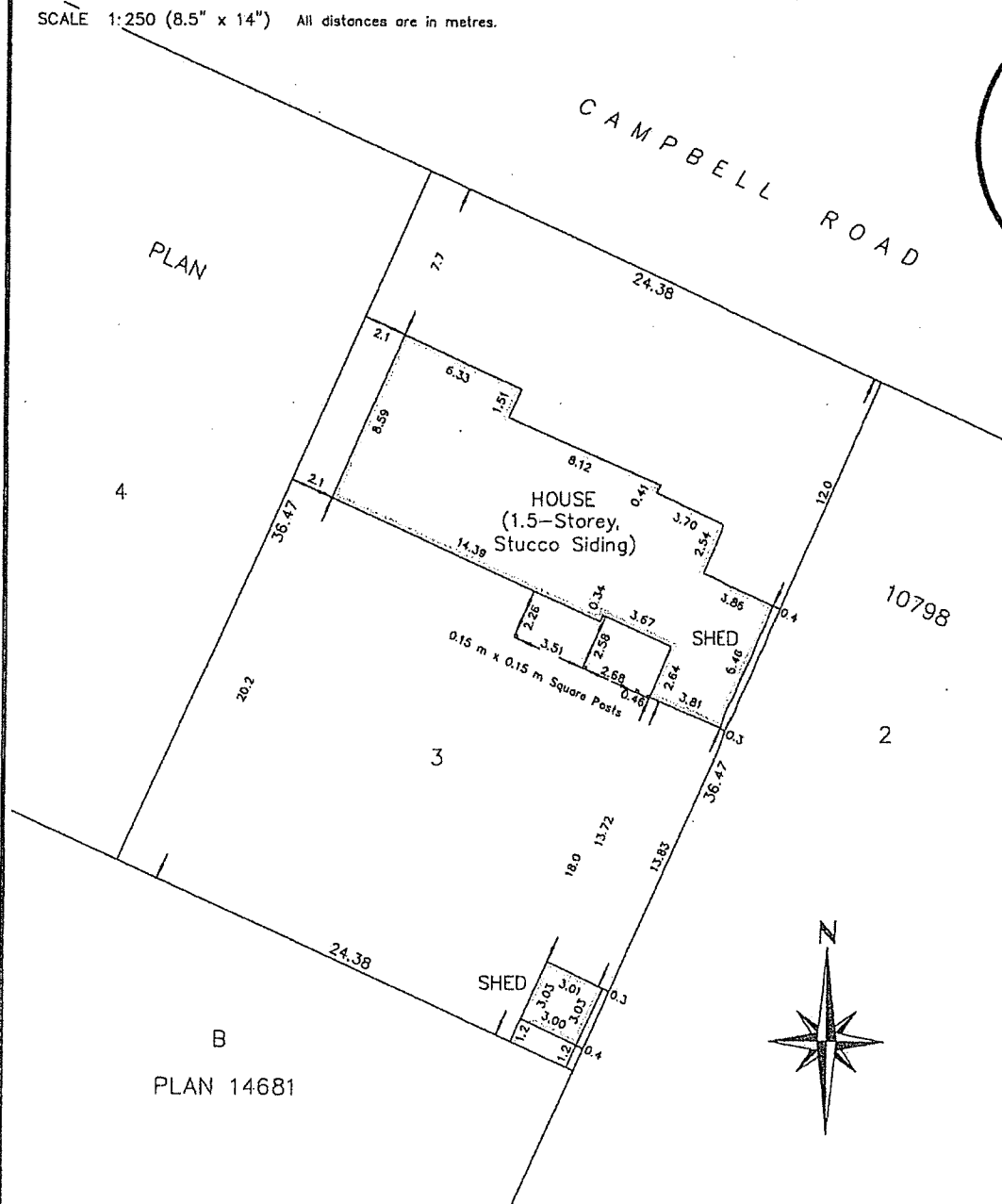
PID: 009-534-521

SCALE 1:250 (8.5" x 14") All distances are in metres.

FILE No: 15401 SC

CIVIC ADDRESS: 2680 CAMPBELL ROAD, WEST KELOWNA

SURVEY DATE: JANUARY 15, 2019



Certified correct this 22nd day of January, 2019.

ROBERT T. MACDONALD

B.C.L.S.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED

RUNNALLS DENBY

british columbia land surveyors

259A Lawrence Avenue Phone: (250) 763-7322

Kelowna, B.C. V1Y 6L2 Fax: (250)763-4413

Email: rob@runnallsdenby.com

© THIS PLAN IS PROTECTED BY COPYRIGHT.

DUE TO THE SCARCITY OF LEGAL SURVEY EVIDENCE, THE LEGAL BOUNDARIES SHOWN ARE ACCURATE ONLY TO ± 0.1 m.

TIES AND MEASUREMENTS TO EXTERIOR OF BUILDINGS.

THIS DOCUMENT WAS PREPARED FOR MORTGAGE AND MUNICIPAL PURPOSES AND IS FOR THE EXCLUSIVE USE OF OUR CLIENT, IAN CROSTHWAITE.

THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE SURVEYED
STRUCTURES AND FEATURES WITH RESPECT TO THE BOUNDARIES
OF THE PARCEL DESCRIBED ABOVE. THIS DOCUMENT SHALL NOT BE
USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.

THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.



SUBJECT PROPERTY: DVP 19-04



LEGEND

- Subject Property
- Zoning Boundary
- Parcels

File: DVP 19-04

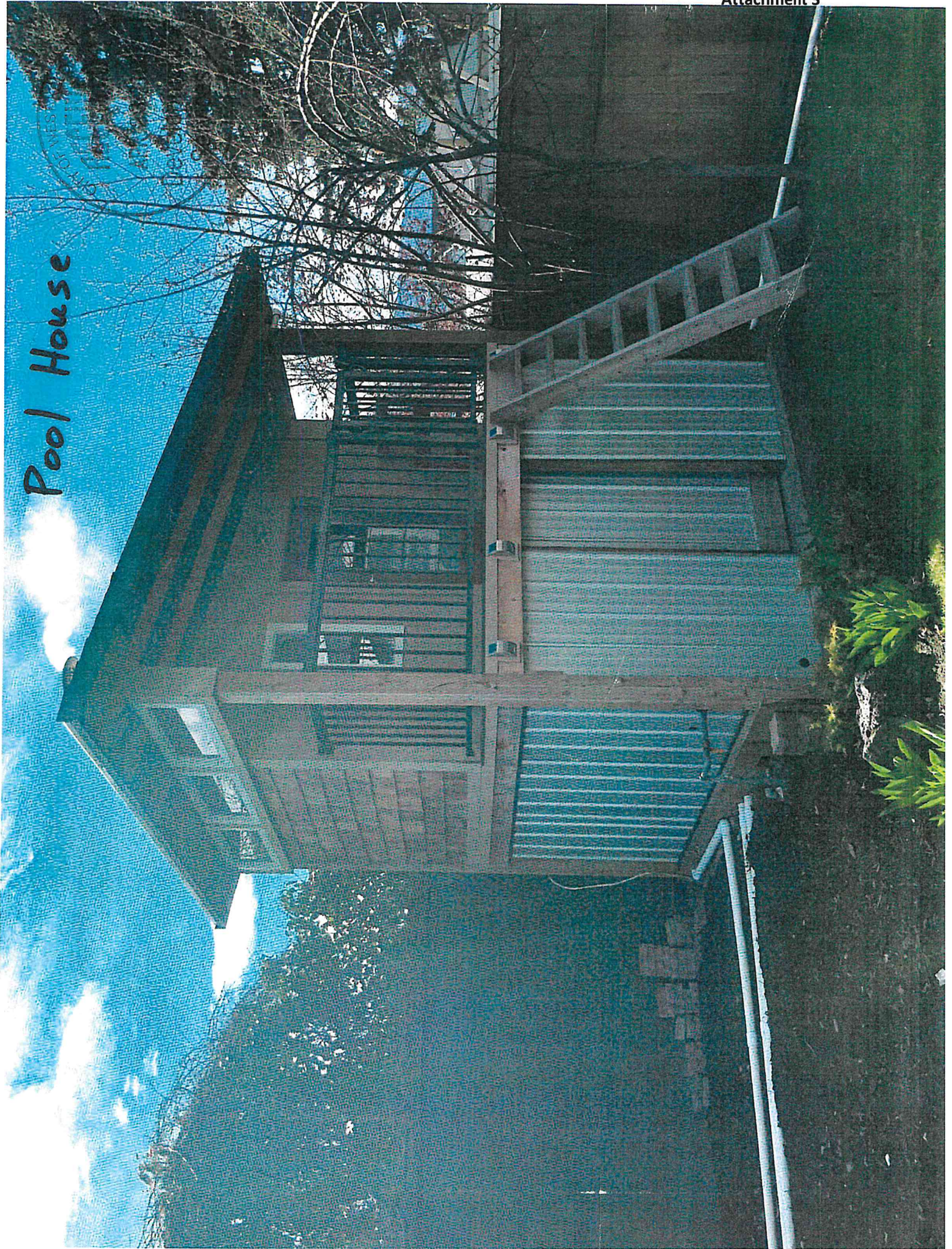
Legal Description: Lot 3, Block 1, DL 485, ODYD, Plan 10798

0 35 70 140
Metres

1:2,500



Pool House



Shed





Dear Neighbour >

We are requesting variances relating to two structures on our property, which is located at 2680 Campbell Road, West Kelowna.

Variance #1:

This refers to the partially built storage shed located at the front of the property, adjacent to the house.

We are requesting a variance to reduce the set back from the 1.5m requirement, to the current setback of 0.3m.

This structure replaces a similar-size shed, which was built in the same space by a previous owner. The previous structure was dilapidated, and was not structurally sound or visually appealing. The proposed replacement will match the style of the house, and will be safer and aesthetically pleasing, thus adding to street appeal of the neighbourhood

Variance Application #2 >

This refers to the two-story pool house located in the back corner of the property.

We are requesting a variance to:

- a) *Reduce the set back from the 1.5m requirement, to the current setback of 0.3m*
- b) *Increase the height of the structure from the 6.5ft maximum requirement to the current height of 13.0ft.*

This building pre-dates our purchase of the property. It has been there since (at least) 2009.

We are not planning on making any changes to the structure, but would like to keep it as it is now.

It would be extremely difficult and expensive to increase the setback or reduce the height of this structure, because of the permanent pool equipment housed within. The roof has a solar pool-heating system, which would make reducing the height a significant challenge.

The upper level of this structure is used only for storage. As we do not have children, it is no longer used as a playhouse, so there is no concern about privacy.

Your support with these applications is greatly appreciated.

To help facilitate the application process, we are asking that you sign the attached petition, indicating that you do not oppose the variances as stated above.

***Sincerely,
Emma and Ian Crosthwaite***

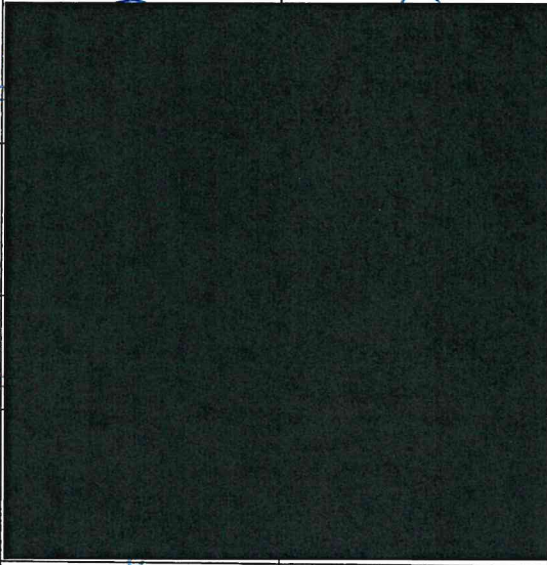
OVER →

2680 Campbell Road, West Kelowna BC. V1Z 4A4

Regarding Variance Applications for 2680 Campbell Road, West Kelowna BC

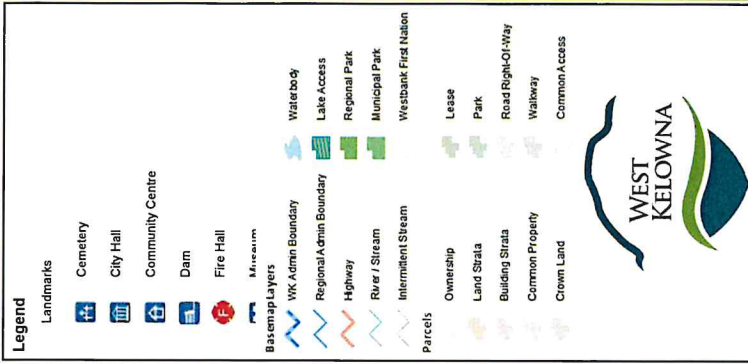
I agree with the Variance #1 and Variance #2 applications as outlined above.

Please sign below to indicate your support of each application.

Name / Address	Variance #1	Variance #2	Date
Reid Armstrong 2670 Campbell Rd West Kelowna BC V1Z 1T3			Apr 14 2019
Patty Curran 2664 Campbell Rd. West Kelowna B.C. V1Z 1T1			APRIL 14 2019
Dallas Hadwell 2720 Cassin Lane Rd West Kelowna, V1Z 1T7			Apr 14/2019
Myron Odermatt 2690 Campbell Rd. West Kelowna BC V1Z 1T3			Apr 15/19

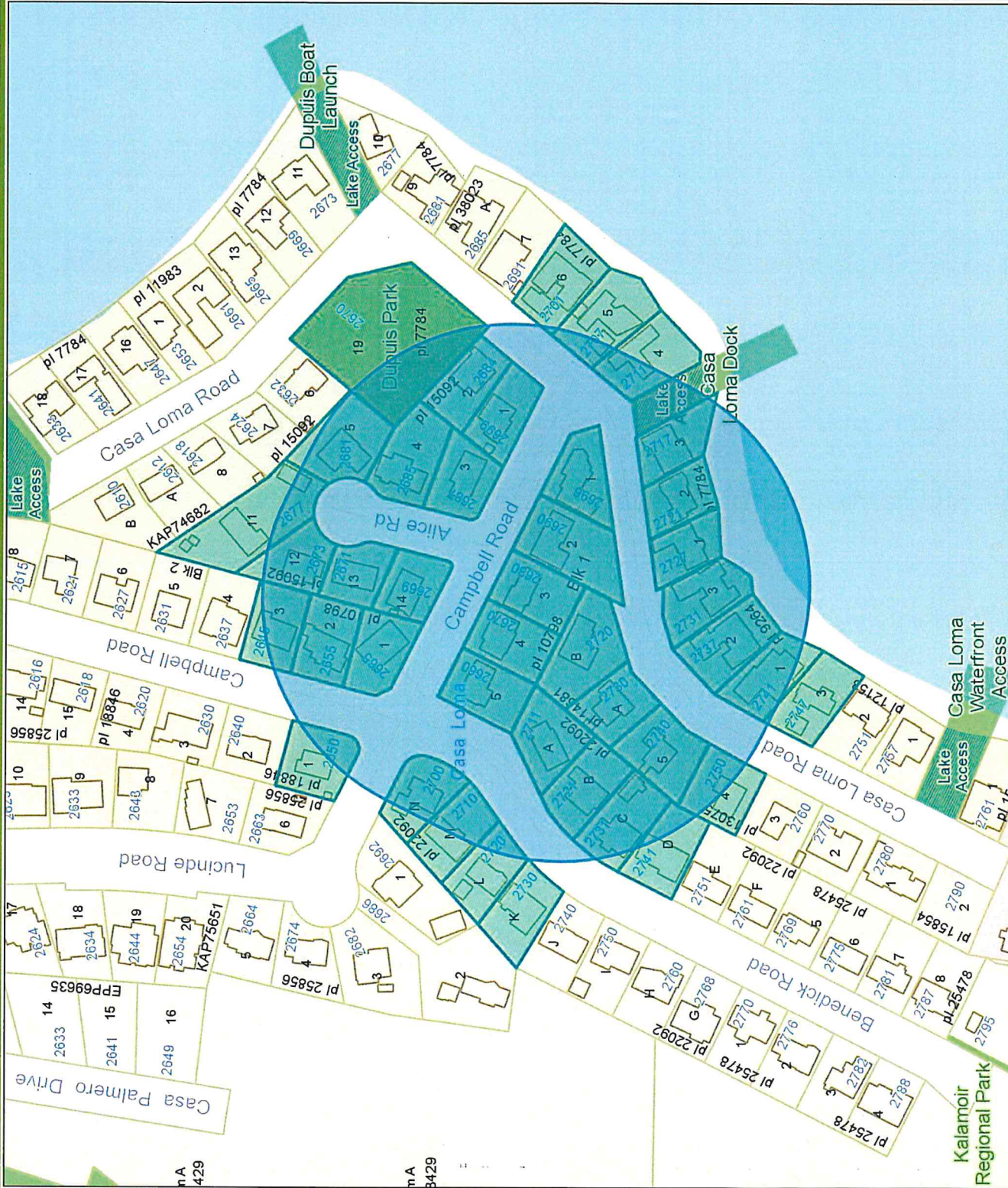
Thank-you for your support!
Emma and Ian Crosthwaite
2680 Campbell Road, West Kelowna BC.

DVP 19-04 GIS Mail Notification Map



Scale 1:2,451

Notes



This map has been produced by the City of West Kelowna's Geographic Information System. The data provided is derived from a variety of sources with varying levels of accuracy. The City of West Kelowna makes no warranty or representation, expressed or implied, with the regard to the correctness, accuracy and/or reliability of the information contained herein.



0 62 125 Meters

Map Projection: NAD_1983_UTM_Zone_11N

Map Produced on: 5/23/2019 8:45:06 AM

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