#4
May 10, 2021 @ 6:35AM

Meg Jacks

From: Michael Conlin [redacted]
Sent: May 10, 2021 6:35 AM
To: City of West Kelowna Submissions
Cc: Roxi Alix [redacted]
Subject: Attention: City Clerk - Objection to Development Variance Permit (DVP 21-08)

Submission to the West Kelowna Council

Attention: City Clerk (sent by email to submissions@westkelowna.ca)

Re: Notice for Development Variance Permit (DVP 21-08)

Monday, May 10, 2021

I am submitting an objection to Development Variance Permit No. DVP 21-08 on behalf of my spouse and myself. We have been joint tenants since June 2010 of the property at 1885 Horizon Drive, West Kelowna, directly above the property at 1885 Diamond View Drive. In the interest of transparency, I wish to inform the Council, for information purposes only, that I am a Barrister and Solicitor for the Province on Ontario, albeit non-practicing.

FAILURE TO PROVIDE ADEQUATE NOTICE

Our objection to this application rests on a number of grounds which I will list and discuss below. However, I would like to express my concern at the process employed by Development Services in this procedure specifically relating to the amount of notice given in which to lodge an objection. In a matter that relates to such a major variance as this one, I would want to view all the documentation provided by the developer as well as any relevant and pertinent documentation produced by Development Services, particularly any that included opinions by the department either in support or opposition to the application. And I would want a reasonable amount of time to do so.

I received my copy of the Notice by mail last Thursday, May 6. The deadline for submitting an objection is 16:00 PST, Monday, May 10, slightly less than 3 working days. I would argue that this is not practical and more importantly, not fair or just. This is simply not sufficient time to prepare a fully comprehensive objection.

SPECIFIC OBJECTION

Notwithstanding the lack of adequate notice, based on the Notice I received and the posting of the Development Notice on the actual property at 1885 Diamond View Drive, I object to the Application specifically as it relates to:

- the first (#1) purpose listed in the Notice, namely "Increase the maximum building height from three to four storeys,"; and to
- the second (#2) purpose listed in the Notice, namely "Increase the single building wall face height from 9.0 m to 12.4 m;".

The other two purposes also impact the overall character of the property and the neighborhood and are also not acceptable.

Therefore, without adequate notice to allow for a full and careful inspection of all relevant documentation relating to this application, my objections are as follows.

THE SETTING OF A PRECEDENT INCONSISTENT WITH THE NATURE OF THE NEIGHBORHOOD

All the completed structures in the Diamond View Estates development are two or three stories. None of them have more than 2 stories above the road level. Approval of this application would allow for the construction of a building

that would be a 33% increase in volume over the current standard for the neighborhood. Approving this application for such a drastic change to this proposed structure in Diamond View Estates would set a terrible precedent. It is conceivable that the owners and/or developers of structures currently under construction and indeed, structures that are already completed, would see such an approval as their opportunity to apply for and receive approval to modify proposed and existing structures to reach a height of four storeys. This would fundamentally impact and change the nature of the neighborhood and that should be reason enough to deny the application. The precedent would also potentially lead to further requests by owners/developers to build even higher; it is not inconceivable to imagine residential structures in Diamond View Estates of five stories.

Any structure with four or more stories in Diamond View Estates or indeed, adjoining neighborhoods, would be inconsistent to the current nature and character of residential development in this part of West Kelowna.

APPARENT LACK OF ANY COMPELLING REASON TO SUPPORT THE APPLICATION

Without any information to the contrary having been available for objectors in an adequate period of time, it is impossible to know if there is any compelling reason to increase the size of the structure by the above percentage. Given the nature of the neighborhood, I suspect that there is no defensible compelling reason to support the application. I assume it is simply to increase the size of the dwelling and therefore an effort to increase the saleable value of the property. I would argue that this definitely not a compelling reason to approve a major variance that would be, as I said above, inconsistent with the current nature and character of Diamond View Estates and residential development in this part of West Kelowna.

APPARENT LACK OF ANY 'NEED' TO EXPAND THE DENSITY OF THE DEVELOPMENT

Similar to the above objection, it is not known if there is any 'need' that the City has identified that this variance will fill. A bona fide need is a compelling basis for approving such a major variance but it is not apparent in this case what that might possibly be.

NEGATIVE IMPACT ON PARKING AND TRAFFIC SAFETY

The totality of the variance sought, if approved, would significantly increase the density of the property such that vehicle parking would be impacted. It is highly likely that the proposed property would result in numerous vehicles being parked on Diamond View Drive just as it meets up with both Spyglass Way and Scott Crescent. The sheer mass of the proposed structure would also conceivably negatively impact sight lines for motorists on any of the three streets - Diamond View Drive, Spyglass Way and Scott Crescent - which meet at the intersection which forms at the southern boundary of the property. Even without any structure on the property, the intersection is challenging. It is highly likely that approval of this application will result in the intersection being significantly negatively impacted in terms of traffic safety.

NEGATIVELY ALTERING THE NATURE OF NEIGHBORHOOD RESIDENTIAL DEVELOPMENT IN THIS REGION OF WEST KELOWNA

As I have mentioned above, if approved, this major variance would completely alter the current nature and character of residential construction in this part of West Kelowna. It would potentially negatively impact the sight lines of neighbors and their enjoyment of their residences. Unobstructed views of the lake and the mountains are a hallmark of life here in this region of West Kelowna. Approving this application and possibly more importantly, the precedent it would set, would have a profoundly negative impact on life in this region of West Kelowna.

And again, inadequate notice of this application and its consideration at tomorrow's Council Meeting prevents me from conducting an examination of the City's Official Plan or to examine appropriate legislation that is relevant to a major variance such as this. My question at this point in time would be; does this application violate any relevant legislation, regulation or by-law? The application notice which I received does not make any statement regarding these considerations.

Based on the objections listed above and in the context of my concerns about inadequate notice of this application and its consideration by the Council tomorrow, May 11, 2021, I request that the Council reject this application for variance or at the very least, postpone consideration of it in order to provide sufficient and reasonable time for me and other objectors to undertake a more detailed and informed analysis of the application for variance.

Thank you for your consideration of my submission.

Michael V. Conlin, JD, FIH
1885 Horizon Drive
West Kelowna
British Columbia
V1Z 3L3

Phone: [redacted]
Email:

#5 May 10, 2021 @ 12:50PM

Submission to the West Kelowna Council

Attention: City Clerk (sent by email to submissions@westkelownacity.ca)

Re: Notice for Development Variance Permit (DVP 21-08)

Monday, May 10, 2021

I am submitting an objection to Development Variance Permit No. DVP 21-08 on behalf of my spouse, Allen Brandle, and myself. We are the owners of the property at 1891 Horizon Drive, West Kelowna, directly above the property at 1885 Diamond View Drive.

SPECIFIC OBJECTION

I object to the Application specifically as it relates to:

- the first (#1) purpose listed in the Notice, namely "Increase the maximum building height from three to four storeys,"; and to

- the second (#2) purpose listed in the Notice, namely "Increase the single building wall face height from 9.0 m to 12.4 m;".

The other two purposes also impact the overall character of the property and the neighborhood and are also not acceptable.

My objections are as follows:

THE SETTING OF PRECEDENT INCONSISTENT WITH THE NATURE OF THE NEIGHBORHOOD AND ARCHITECTURAL CONTROLS

All the completed structures in the Diamond View Estates development are two or three stories, built according to the architectural controls of the development. None of them have more than 2 stories above the road level. Approval of this application would allow for the construction of a building that would be a 33% increase in volume over the current standard for the neighborhood. Approving this application for such a drastic change would set a precedent, and would deviate from the current architectural controls that were put in place to control the appearance and sprit of the development. It would allow the owners and/or developers of structures currently under construction, as well as the future construction, to apply for the same type of variance. In addition, structures that are already completed, would see such an approval as their opportunity to apply for, and receive approval to modify proposed and existing structures to reach a height of four storeys. This would fundamentally impact and change the nature of the neighborhood, and that should be enough to deny the application.

Any structure with four or more stories in Diamond View Estates and adjoining neighborhoods would be inconsistent with the current nature and character of residential development in this part of West Kelowna and it would negatively impact the views of some of the existing homes, which is, in my opinion, the most valuable asset of some of the properties in the area.

NEGATIVE IMPACT ON PARKING AND TRAFFIC SAFETY

The totality of the variance sought would significantly increase the density of the property and it would impact the parking in the area. It is highly likely that the proposed property would result in numerous vehicles being parked on Diamond View Drive just as it meets up with both, Spyglass Way and Scott Crescent. The sheer mass of the proposed structure would also negatively impact sight lines for motorists on any of the three streets - Diamond View Drive, Spyglass Way and Scott Crescent - which meet at the intersection which forms at the southern boundary of the property. Even without any structure on the property, the intersection is challenging. It is highly likely that approval of this application will result in the intersection being significantly negatively impacted in terms of traffic safety.

NEGATIVELY ALTERING THE NATURE OF NEIGHBORHOOD RESIDENTIAL DEVELOPMENT IN THIS REGION OF WEST KELOWNA

As mentioned above, if approved, this major variance would completely alter the current nature and character of residential construction in this part of West Kelowna.

Based on the objections listed above, I request that the Council reject this application for the variance.

Thank you for your consideration,

Suzana Brandle
1891 Horizon Drive
West Kelowna
British Columbia
V1Z 3L3