
CITY OF KELOWNA

MEMORANDUM

Date: April 20, 2001
File No.: DVP01-10,018

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. DVP01-10,018 OWNER: TROY KARIUS

AT: 654 DEHART ROAD APPLICANT: ELROY KARIUS

PURPOSE: TO VARY THE REQUIRED REAR YARD FROM 7.5 M TO 4.9 M

EXISTING ZONE: RU1 – LARGE LOT HOUSING

REPORT PREPARED BY: KIRSTEN G. BEHLER

1.0 RECOMMENDATION

THAT Council not authorize the issuance of a Development Variance Permit No. 01-10,018; Troy Karius, Lot 2, D.L. 358, Section 29, Twp. 31, ODYD, Plan KAP47283, located on Dehart Road, Kelowna, B.C.;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 not be granted:

13.1.5. (e) Minimum site rear yard: A variance for the minimum site rear yard from 7.5 m to 4.9 m.

2.0 SUMMARY

The applicant wishes to vary the minimum rear yard on his property, in order to legalize the setback of an existing building addition. The building addition was created by connecting an accessory building with the main dwelling. The building addition is set back 4.9m from the rear property line, instead of 7.5m, as required by the City of Kelowna Zoning Bylaw No. 8000. Both the accessory building and the connection to the house were constructed without building permits. The applicant has contacted his immediate neighbours, who are mainly in favour of the variance, with one neighbour being indifferent.

3.0 BACKGROUND

3.1 The Proposal

Four years ago, the applicant began constructing an accessory building in the rear yard of the house. Initially, the accessory building was constructed as a storage shed. Last January, the applicant connected the accessory building to the house, in order to be able to use the addition as a bedroom.

The original accessory building met the minimum rear yard requirements for accessory buildings. However, by connecting the accessory building to the main dwelling, it became part of the house and therefore has to meet the rear yard requirement of 7.5m. The current setback of the building addition from the rear property line is only 4.9m, and in order not to be required to remove the building addition, the applicant would like to vary the minimum required rear yard to 4.9m. Other than the rear yard, the building addition meets all development regulations of the RU1 – Large Lot Housing zone. As well as the main dwelling and its addition, a garage exists in the front yard of the property. The garage was constructed with a building permit and meets all setback requirements. Both the initial 35m² accessory building and its subsequent connection to the house were constructed without a building permit. The foundation of the building addition does currently not meet building code requirements. The applicant has agreed to upgrade the foundation to provide sufficient frost cover and thereby making it compliant with the building code, should the requested variance be supported by Council.

The applicant has contacted the residents of all abutting and adjacent properties. The abutting properties and the one across the street from the subject property are in support of the variance, with the owner of the property abutting on the northeast corner being indifferent to the variance. The owners abutting to the north, who are arguably the neighbours most affected by the variance, are supporting the variance, provided that the applicant plants a six foot tall cedar hedge at his expense, in addition to the existing fence.

The application meets the requirements of the RU1 – Large Lot Housing zone as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Site Area (m ²)	953m ²	550m ²
Site Width (m)	21.6m	16.5m
Site Depth (m)	44.0m	30.0m
Site Coverage (%)	22% 31%	40% 50% with driveway and parking
Storeys (#)	1 storey	9.5m or 2 ½ storeys
Setbacks (m)		
- Front	6.8m	6.0m for garage
- Rear	4.9m ❶	7.5m
- West Side	4.3m	2.0m
- East Side	2.0m	2.0m
Parking Stalls (#)	2	2

Notes:

- ❶ The applicant wishes to vary the rear yard from the required 7.5m to 4.9m.

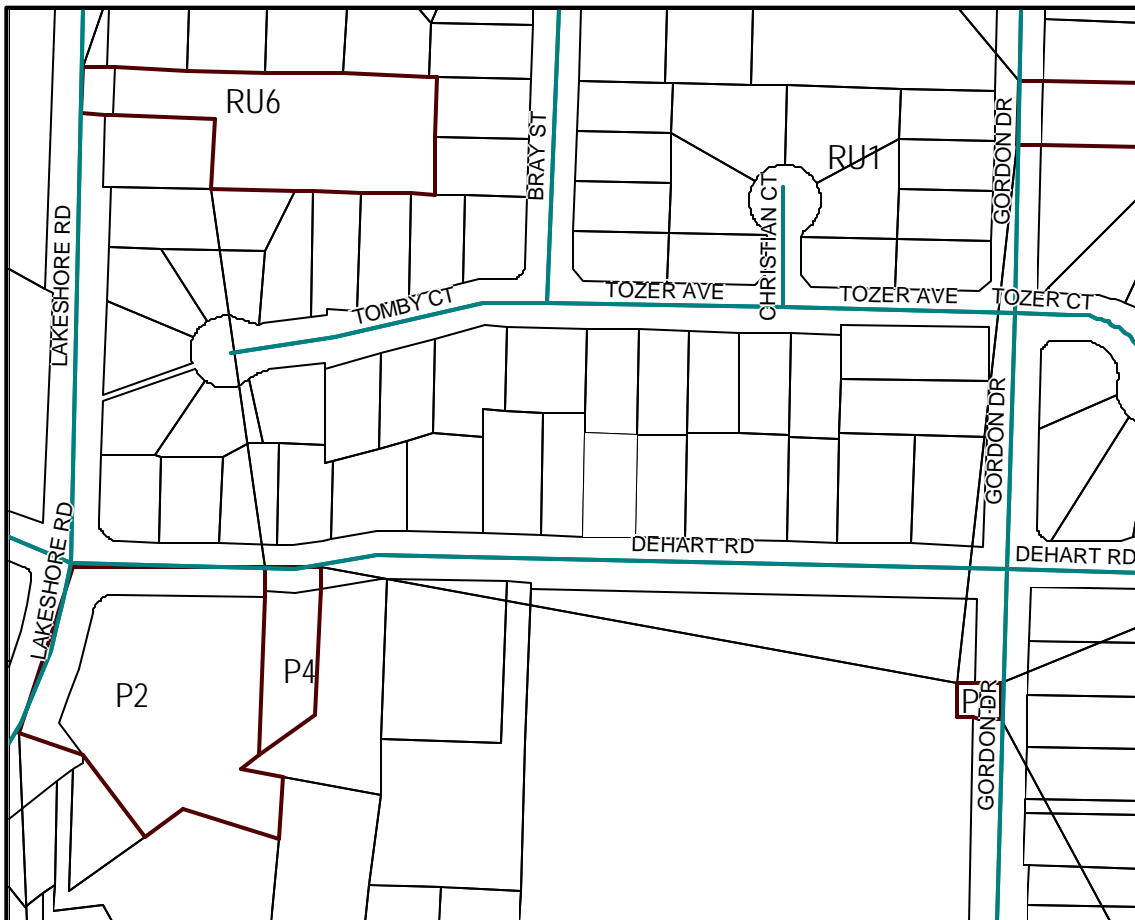
3.2 Site Context

The subject property is located in the North Mission, east of Lakeshore Road and west of Gordon Drive. The area is predominantly zoned RU1 – Large Lot Housing, with some RU6 – Two Dwelling Housing zones located on Lakeshore Road and Gordon Drive. Several sites on Lakeshore Road are zoned P2 – Education and Minor Institutional.

Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing – Single detached dwelling
- East - RU1 – Large Lot Housing – Single detached dwelling
- South - RU1 – Large Lot Housing – Single detached dwelling
- West - RU1 – Large Lot Housing – Single detached dwelling

3.3 Location Map



3.3 Existing Development Potential

The property is zoned RU1 – Large Lot Housing. The purpose of this zone is to provide for single detached housing as a principal use, and compatible secondary uses, such as bed and breakfast homes, minor care centres and group homes, as well as home based businesses.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The proposal is consistent with the future land use designation of Single/Two Family Residential in the Official Community. The Single/Two Family Residential designation covers single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached buildings used for two dwelling units, and complementary uses (OCP, Chapter 15).

4.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following relevant comments have been submitted:

4.1. Works and Utilities

The variance permit application to reduce the rear yard setback from the property line does not compromise Works and Utilities requirements.

4.2. Inspections Department

Accessory building and infill were both built without permits. The inspector has discussed required upgrading of foundations, which include a 24' frost cover and minimum R12 insulation.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department is not supportive of this Development Variance Application. The size of the building addition gives reason to believe that the applicant should have been aware of the requirements to obtain building permits and a development variance permit prior to construction. Albeit that the impact of the reduced rear yard on adjacent properties is small, the Department feels that support should not be given, due to the illegitimacy of the construction. Should Council approve this Development Variance Application, the Planning and Development Services Department recommends that the applicant will be required to provide a cedar hedge, as requested by the neighbours whose property is abutting the subject property to the north.

6.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of a Development Variance Permit No. 01-10,018; Troy Karius, Lot 2, D.L. 358, Section 29, Twp. 31, ODYD, Plan KAP47283, located on Dehart Road, Kelowna, B.C., subject to the applicant providing a cedar hedge along the rear property line;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

13.1.5. (e) Minimum site rear yard:

A variance for the minimum site rear yard from 7.5 m to 4.9 m.

Andrew Bruce
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

KGB
Attach.

FACT SHEET

1. **APPLICATION NO.:** DVP01-10,018
2. **APPLICATION TYPE:** Development Variance Permit
3. **OWNER:** Troy Karius
· **ADDRESS** 654 Dehart Road
· **CITY** Kelowna, BC
· **POSTAL CODE** V1W 1G6
4. **APPLICANT/CONTACT PERSON:** Troy Karius / Elroy Karius
· **ADDRESS** 2750 Reyn Road
· **CITY** Kelowna, BC
· **POSTAL CODE** V1V 2G7
· **TELEPHONE/FAX NO.:** (250) 763-9333
(250) 763-9386
5. **APPLICATION PROGRESS:**
 Date of Application: March 30, 2001
 Date Application Complete: March 30, 2001
 Servicing Agreement Forwarded to Applicant: N/A
 Servicing Agreement Concluded:
 Staff Report to Council: April 20, 2001
6. **LEGAL DESCRIPTION:** Lot 2, Plan KAP47283, Sec. 29, Twp. 31, District Lot 358, ODYD
7. **SITE LOCATION:** On the north side of Dehart Road, between Lakeshore Road and Gordon Drive
8. **CIVIC ADDRESS:** 654 Dehart Road
Kelowna, BC
V1W 1C6
9. **AREA OF SUBJECT PROPERTY:** 953m"
10. **EXISTING ZONE CATEGORY:** RU1 – Large Lot Housing
11. **PURPOSE OF THE APPLICATION:** To vary the minimum setback required from 7.5m to 4.9m
12. **MIN. OF TRANS./HIGHWAYS FILES NO.:** N/A
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY
13. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** N/A

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plan of addition
- North and East elevations