
CITY OF KELOWNA

MEMORANDUM

Date: May 1, 2001
File No.: DVP01-10,015

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. DVP01-10,015 OWNER: EMIL AND PHYLLIS NAGY

AT: 857 LAWRENCE AVENUE APPLICANT: RICK JACKSON

PURPOSE: TO VARY THE MINIMUM ALLOWABLE SIDE YARD SETBACK TO
ALLOW FOR THE RENOVATION OF THE EXISTING GARAGE

EXISTING ZONE: RU 6 – TWO DWELLING HOUSING

REPORT PREPARED BY: KIRSTEN G. BEHLER

1.0 RECOMMENDATION

THAT Council authorize the issuance of a Development Variance Permit No. 01-10,015; Emil Nagy, Lot 1, D.L. 138, ODYD, Plan 3417, located on Lawrence Avenue, Kelowna, B.C.;

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

13.6.5. (d) Minimum site side yard: A variance for the minimum site side yard from 2.0 m for a 1 or 1 ½ storey portion of a building to 1.5 m.

2.0 SUMMARY

The applicant wishes to vary the minimum required side yard of his property from 2.0m to 1.5m, in order to modify the existing garage. The garage was constructed as a carport in 1966 and was meeting all setback requirements at the time.

3.0 COMMUNITY HERITAGE COMMISSION

Since the subject property is listed in the City of Kelowna Heritage Building Inventory, the application was referred to the Community Heritage Commission. The Commission reviewed the application at their Regular Meeting of April 3, 2001, and the following resolution was passed:

THAT the Community Heritage Commission supports the Development Variance Permit Application No. DVP01-10,015 – 857 Lawrence Avenue;

AND THAT the Community Heritage Commission encourages the applicant to provide a larger separation between the roof of the existing house and the gable dormers of the proposed building addition.

In response to the Commission's suggestion, the applicant agreed to move the future dormer further away from the existing roof, in order to centre it visually on the garage.

3.0 BACKGROUND

3.1 The Proposal

The subject property is located in the Central City, on the south side of Lawrence Avenue, between Richter Street and Ethel Street. The house is listed in the City of Kelowna Heritage Building Inventory. The California/Craftsman bungalow, constructed in 1922, is also referred to as the McDougall house. It was constructed by Douglas McDougall, a civil engineer who helped maintain the irrigation infrastructure for Kelowna's fruit-growing industry.

The one-car garage, originally built as a carport, was constructed in 1966. At the time of construction, the garage conformed to the yard requirements and was constructed legally with a building permit. In 1983, the owner received a building permit for a 3m x 4m addition to the garage. He now wishes to modify this building addition by raising its height and by adding a new roof with two dormers. The proposed changes to the garage will be finished to match the existing character of the house. The garage and its addition are well screened from the abutting property through an existing row of dense coniferous trees.

The owner of the subject property contacted his neighbours to inform them about the proposed changes to the garage and the required Development Variance Permit. The owners of the abutting properties, as well as the neighbours across the lane and on the other side of Lawrence Avenue, are in support of the proposed variance.

The application meets the requirements of the RU6 – Two Dwelling Housing as follows:

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Site Area (m ²)	800 m ²	400m ²
Site Width (m)	22.9m	13.0m
Site Depth (m)	35.6m	30.0m
Site Coverage (%)	23.4% 30.3%	40% for the house 50% with driveway and parking
Storeys (#)	1 ½ storeys	2 ½ storeys or 9.5m
Setbacks (m)		
- Front	8.6m	6.0m from garage
- Rear	7.3m	6.0m
- West Side	9.1m	2.0m
- East Side	1.5m ^❶	2.0m
Parking Stalls (#)	2	2

Notes:

❶ The east side yard is non-conforming. At the time of construction in the 1966, the garage was conforming to the yard requirements. Since current standards prescribe a 2.0m wide setback from the side property line, the applicant is applying for a variance to receive permission to modify the existing garage.

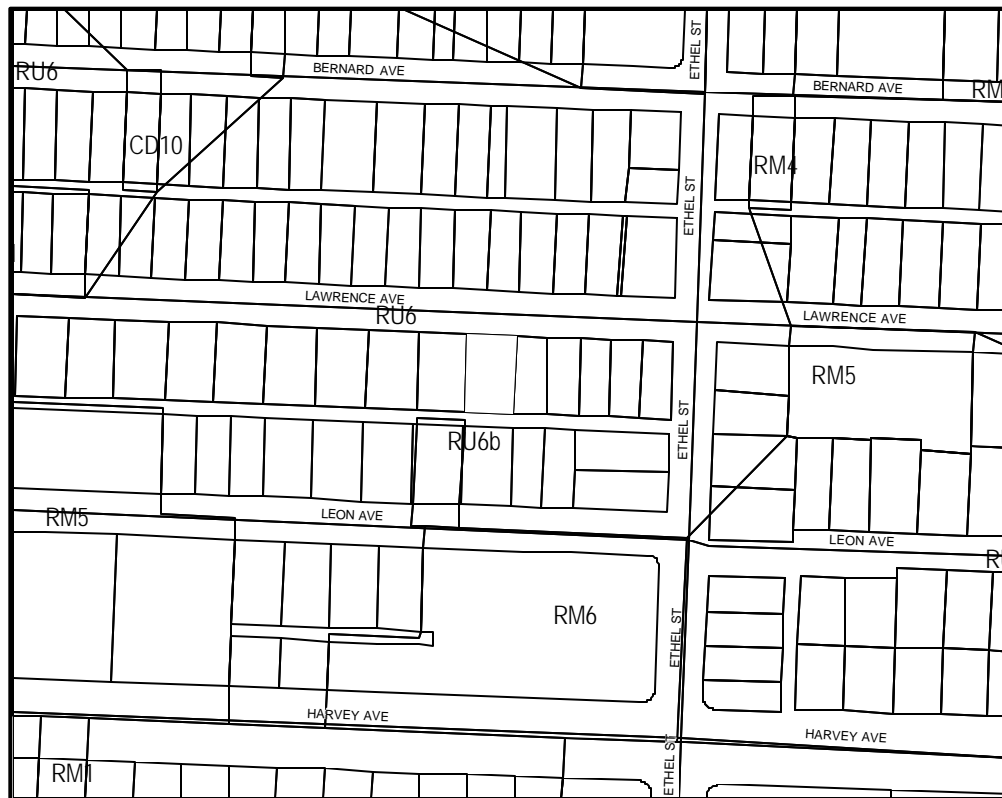
3.2 Site Context

The property is located north of Harvey Avenue and west of Richter Street, and is therefore part of the North Central Neighbourhood. The area is predominantly zoned RU6 – Two Dwelling Housing, with Medium Density Multiple Housing (RM5) and High Rise Apartment Housing (RM6) located at the north side of Harvey Avenue.

Adjacent zones and uses are, to the:

- North - RU6 – Two-Dwelling Housing – single detached dwellings
- East - RU6 – Two-Dwelling Housing – single detached dwelling
- South - RU6 – Two-Dwelling Housing – single detached dwellings, and
RUb – Two Dwelling housing with boarding or lodging house – single detached dwelling
- West - RU6 – Two-Dwelling Housing – single detached dwelling with Day Spa and Retreat

3.3 Location Map



3.3 Existing Development Potential

The subject property is zoned RU6 – Two Dwelling Housing, a zone created to provide for semi-detached, duplex or single-detached housing with a secondary suite. Boarding or Lodging Houses are allowed on lots zoned RU6b.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The Official Community Plan designated this property as Low Density Multiple Family, a designation covering townhouses, garden apartments, apartments, building containing three or more residential units, and other forms of housing. The existing use of the property for a single-detached home is not consistent with the future land use designation of the site.

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. Inspections Department

Currently, there are too many windows for the limiting distance setback. The applicant submitted the size of all existing and proposed windows, and the Inspections Department determined that the total area of the windows would have to be reduced to 43 square feet.

The applicant will reduce the number of windows as required by the Inspections Department when applying for a building permit.

4.2 Works & Utilities

The W & U Department does not have any requirements or concerns with the reduced side yard setback. City roads or utilities are not compromised by this variance.

If any legal survey monuments or property iron pins are removed or disturbed during construction on the site, the owner will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns regarding the proposed variance for the width of the side yard. The garage and the proposed addition are well buffered from the adjacent lot through an existing row of coniferous trees, and the reduced side yard will therefore have no negative impact on the abutting property. The proposed renovations, and especially the addition of dormers to the roof, will visually improve the appearance of the garage from the street.

The applicant contacted the owners of abutting and adjacent properties. The abutting owners to the west and east, as well as those across the lane and across Lawrence Avenue, are in support of the proposed variance.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

KGB
Attach.

FACT SHEET

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| 1. APPLICATION NO.: | DVP01-10,015 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | Emil Nagy |
| . ADDRESS | 857 Lawrence Avenue |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 6M1 |
| 4. APPLICANT/CONTACT PERSON: | Rick Jackson |
| . ADDRESS | 4246 Eso Court |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 4A4 |
| . TELEPHONE/FAX NO.: | (250) 762-0463 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | March 21, 2001 |
| Date Application Complete: | April 19, 2001 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | May 1, 2001 |
| 6. LEGAL DESCRIPTION: | Lot 1, D.L. 138, Section 19, Twp. 26, ODYD, Plan 3417 |
| 7. SITE LOCATION: | Central City, north of Harvey Avenue and east of Richter Street |
| 8. CIVIC ADDRESS: | 857 Lawrence Ave.
Kelowna, BC
V1Y 6M1 |
| 9. AREA OF SUBJECT PROPERTY: | 800m" |
| 10. EXISTING ZONE CATEGORY: | RU6 – Two Dwelling Housing |
| 11. PURPOSE OF THE APPLICATION: | To vary the minimum allowable side yard setback to allow for the renovation of the existing garage |
| 12. MIN. OF TRANS./HIGHWAYS FILES NO.: | 02-081-19225 |
| 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
- Partial floor plan
- Existing front and rear elevations
- Proposed side and front elevations