
CITY OF KELOWNA

MEMORANDUM

Date: June 28, 2001
File No.: DVP01-10,017

To: City Manager, (Ron Born)

From: Planning & Development Services Department

Subject:
DEVELOPMENT VARIANCE PERMIT OWNER: DAVID MARSHALL AND
APPLICATION NO. 01-10,017 SANDRA MARSHALL

AT: 4611 GORDON DRIVE APPLICANT: DAVID MARSHALL

PURPOSE: TO VARY THE REAR YARD SETBACK OF AN EXISTING
PRINCIPAL DWELLING TO FACILITATE THE REZONING OF
THE PROPERTY FROM RU1 – LARGE LOT HOUSING TO RU1s
– LARGE LOT HOUSING WITH SECONDARY SUITE

EXISTING ZONE: RU1 – LARGE LOT HOUSING

REPORT PREPARED BY: BARB WATSON

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,017; David Marshall; Lot A, District Lot 357, O.D.Y.D., Plan 41826, located on Gordon Drive, Kelowna, B.C.;

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

Section 13.1.5(e) Development Regulations, Rear Yard Setback: a 4.38 m variance to the required rear yard setback of 7.5 m to 3.12 m as proposed for the existing principal dwelling.

2.0 SUMMARY

The applicant has applied to vary the rear yard setback for the existing principal dwelling to facilitate a rezoning from RU1 – Large Lot Housing to RU1s – Large Lot Housing with Secondary Suite. Under changes to the requirements for corner lots, the front yard is now McClure where originally the front yard was considered Gordon Drive.

3.0 BACKGROUND

3.1 The Proposal

The property is located in the Mission at the corner of Gordon Drive and McClure Avenue. The area is a well-established single family neighbourhood with homes being constructed over the last 30 years to similar sizes and a variety of styles.

The property is currently zoned RU1 – Large Lot Housing. The applicant has made an application to rezone to RU1s – Large Lot Housing with Secondary suite under

application Z01-1024. The applicant has also had a preliminary lot review for a proposal to subdivide the lot into two lots.

The existing dwelling is typical of the homes built in the 60's with a combination of stucco and wood siding. At the time the building was constructed the front yard was on Gordon and the south property line was a side yard. Since that time, the Planning and Development Department has tried to create consistency in the siting of building on corner lots and has adopted within Bylaw 8000 a new definition for lot line, Front that reads as follows:

“LOT LINE, FRONT means, in the case of an **interior lot**, a **lot line** separating the **lot** from the **street**; or in the case of a **corner lot**, a line separating the narrowest **street frontage** of the **lot** from the **street** not including a corner rounding or corner cut; or in the case of a **lot** extending between two parallel **streets**, the **front lot line** shall be determined by the average **front yard** setback in the block.”

The subject property as compared to the proposed zone is as follows:

CRITERIA	PROPOSAL	RU1s ZONE REQUIREMENTS
Site Area (m ²)	1,680 m ²	550 m ²
Site Depth (m)	34.37 m	30 m
Site Width (m)	29.39 m	16.5 m
Site Coverage (%)	8 %	40 %
Building at Grade (m ²)	129.97m ²	
Total Area of Dwelling	176.51 m ²	
Total Area of Suite	54 m ²	Max. 90 m ²
Storeys (#) <i>Principal Dwelling</i>	2 storeys	2 Storeys
Setbacks (m)		
- Front	21 m	4.5 m and 6.0 m from a garage
- Rear	3.12 m ❶	7.5 m
- East Side	24 m	2.3 m
- West Side	10.5 m	4.5 m to the flanking street
Storeys (#) <i>Secondary Suite</i> ❷	2 storeys	2 Storeys
Setbacks (m)		
- Front	6 m	4.5 m and 6.0 m from a garage
- Rear	22 m	7.5 m
- East Side	2.3 m	2.3 m
- West Side	30 m	4.5 m to the flanking street
Parking Stalls (#)	3 parking stalls	3 parking stalls

Note:

❶ The applicant has applied for a variance for the rear yard setback under application DVP01- 10,017. Changes under Bylaw included setting the front yard for a corner lot to the narrower of the two street frontages. The house was originally positioned to front Gordon and therefor the south property line was a side yard verses the rear as is under bylaw 8000.

❷ Due to the siting of the accessory dwelling within 18 metres of the front property line, the accessory dwelling must meet the side yard setbacks of the principal dwelling for siting.

3.2 Site Context

The subject property is located in the Mission along Gordon Ave at the corner of McClure, the adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing, single family dwelling
- East - RU1 – Large Lot Housing, single family dwelling
- South - RU1 – Large Lot Housing, single family dwelling
- West - RU1 – Large Lot Housing, single family dwelling



3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

This proposal is consistent with the designation of single/two family residential and associated uses, which includes uses such as local commercial, childcare, churches and parks.

The OCP encourages new residential to be sensitively integrated with the surrounding natural environment.

3.4.2 City of Kelowna Strategic Plan (1992)

The proposal is generally consistent with the Strategic Plan objective of developing a “more compact urban form by increasing densities through infill and redevelopment with in existing urban areas...”

3.4.3 North Mission/Crawford Sector Plan

The North Mission Sector Plan identifies the subject property as a single two family designation, which is consistent with the proposal of rezoning to RU1s. The Plan further identifies guiding principles, which are included in a strategic Plan. The City will place greater emphasis on more efficiently using serviced land within existing urban areas through infill and redevelopment.

4.0 TECHNICAL COMMENTS

The various Departments were circulated and all comments will be addressed through the building permit process.

6.0 PLANNING AND DEVELOPMENT SERVICE DEPARTMENT COMMENTS

The application to vary the rear yard setback is for an existing dwelling. The dwelling was sited under a previous zoning bylaw. The applicant is coming forward at this time to facilitate a proposal to rezone the subject property to RU1s - Large Lot Housing to permit a secondary suite within an accessory dwelling. For Council to consider the rezoning application, a variance for the reduced rear yard must accompany the application, as the existing building does not meet the current setback for the rear yard. The proposal is consistent with the designated land use as well as in fill policies of the official community plan. Due to the size and location of the lot, the impact to the adjacent area is minimized. The Planning and Development Department has reviewed the application and has no concerns with the proposal subject to the input of the neighbourhood.

In light of the above the Planning and Development Services Department requests Council consider the above noted application.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

BW/bw
Attach.

FACT SHEET

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|---|---|
| 1. APPLICATION NO.: | DVP01-10,017 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | David Sydney Marshall and
Sandra Marie Marshall |
| . ADDRESS | 3586 Elliot Road |
| . CITY | Westbank, BC |
| . POSTAL CODE | V4T 1M9 |
| 4. APPLICANT/CONTACT PERSON: | David Marshall |
| . TELEPHONE/FAX NO.: | 768-4082 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | March 30,2001 |
| Date Application Complete: | |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | June 4, 2001 |
| 6. LEGAL DESCRIPTION: | Lot A DL 357 ODYD Plan 41826 |
| 7. SITE LOCATION: | Gordon Dr. to McClure |
| 8. CIVIC ADDRESS: | 4611 Gordon Drive |
| 9. AREA OF SUBJECT PROPERTY: | 1,680 m2 |
| 10. AREA OF PROPOSED REZONING: | 1,680 m2 |
| 11. EXISTING ZONE CATEGORY: | RU1 – Large Lot Housing |
| 12. PROPOSED ZONE: | RU1s – Large Lot Housing with
Secondary Suite |
| 13. PURPOSE OF THE REZONING APPLICATION: | To permit the construction of an
accessory building with a secondary
suite. |
| 15. PURPOSE OF DEVELOPMENT VARIANCE PERMIT | To vary the rear yard of the existing
single family dwelling located on the
subject property. |
| 16. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | N/A |
| 17. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |

ATTACHMENTS

Title search
Location Map
Site plan showing location of variance
Elevations of new proposed accessory building
Elevations of the existing house
Floor Plans of new proposed accessory building
Floor plans of existing house.