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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** June 6, 2001  
**File No.:** DVP01-10,027

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

DEVELOPMENT VARIANCE PERMIT  
APPLICATION NO. DVP01-10,027

OWNER: GEORGE MITCHELL AND  
EUNICE MITCHELL

AT: 744 MARTIN AVENUE

APPLICANT: MARV JESKE

PURPOSE: TO VARY THE WEST SIDE YARD SETBACK TO PERMIT THE  
CONVERSION OF AN EXISTING GARAGE INTO A  
SECONDARY SUITE

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

REPORT PREPARED BY: BARB WATSON

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### 1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,027; Merv Jeske; Lot 6, District Lot 138, ODYD, Plan 1346, located on Martin Avenue, Kelowna, B.C.;

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

**Section 13.6.5(d) Development Regulations, Side Yard Setback:** a 0.3 m variance to the required side yard setback of 2.0 m to 1.7 m as proposed for the west side yard of the accessory building.

### 2.0 SUMMARY

The applicant has applied to vary the side yard setback of an existing building to convert a portion of the building from the current use as a garage to the proposed use as a secondary suite. The RU6 – Two dwelling Housing permits the secondary suite as a secondary use within the zone.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The property is located just east of the down town core off Richter at Martin Avenue. The area is a mix of two family dwellings and single family dwellings built over the last seventy years. The property is currently zoned RU6 – Two Dwelling Housing which permits the use of a Secondary suite within the zone.

The building is being converted from a double garage to a single garage with a bachelor suite consisting of a kitchen, eating area and combination bedroom and living area. The suite will have a separate laundry facility and one full bathroom. The parking for the site will be accessed from the rear lane as per the requirements of Zoning Bylaw 8000.

The variance is required to the west side yard to permit the conversion of the building to include a secondary suite. Under a recent amendment to Bylaw 8000, the side yards for accessory building with suites is to be the same as the requirements for the principal dwelling. In the proposal, the applicant has maintained the garage function on the west side of the building and placed the suite on the east side of the structure minimizing the additional impact on the western neighbour.

The proposal as compared to the RU6 – Two Dwelling zone is as follows:

<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>RU6 ZONE REQUIREMENTS</b>
Site Area (m <sup>2</sup> )	632.8 m <sup>2</sup>	400 m <sup>2</sup>
Site Width	15.24 m	13 m
Site Depth	41.525 m	30 m
Site Coverage (%)	20%	40%
Principal Dwelling Floor Area (m <sup>2</sup> )	61.5 m <sup>2</sup>	
Suite Area	+/- 38 m <sup>2</sup>	Max 75% or 46 m <sup>2</sup>
Storeys (#)	1 storey	2 1/2 storeys
Setbacks (m) Principal Dwelling		
- Front	8.9 m	4.5 m
- Rear	22.94 m	6.0 m
- West Side	6.31 m	2.0 m
- East Side	1.58 m Note 1	2.0 m
Setbacks (m) Accessory Building		
- Front	30.75 m	18 m
- Rear	1.57 m	1.5 m
- West Side	1.7 m Note 2	2.0 m
- East Side	6.16 m	2.0 m
Parking Stalls (#)	3 stalls	3 stalls

Note 1: Side Yard to existing dwelling is legally non conforming as the building was constructed at a time when the side yard setback was 1.5 m.

Note 2: The applicant has applied for the side yard variance to permit the conversion of the existing building to a secondary suite.

### 3.2 Site Context

The subject property is located east of the City Centre within the first block after Richter Street. The adjacent zone uses are as follows:

- North - RU6- Two Dwelling Housing
- East - RU6- Two Dwelling Housing
- South - RU6- Two Dwelling Housing
- West - RU6- Two Dwelling Housing



### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan

The use is consistent with the existing zone. The future land designation of the Official Community Plan show this area as Multiple Family Residential (Medium Density). The conversion of the garage is seen as an interim use until the area is developed to the multifamily uses.

### 3.3.2 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...”

## 4.0 TECHNICAL COMMENTS

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

## 5.0 PLANNING AND DEVELOPMENT SERVICE DEPARTMENT COMMENTS

The application to vary the side yard setback is for an existing building. The building was sited under a previous zoning bylaw for the use as a garage. The applicant is coming forward at this time to facilitate a proposal to construct a secondary suite as permitted use within the RU6 – Two Family Dwelling Zone. The existing building does not meet the required side yard setback of 2 m for a single storey building containing a secondary suite. In the review of this application the Planning and Development Services Department considered the variance as if it were a variance to the principal dwelling. The reduction from 2 m to 1.7 m is considered to have a minimal effect on the neighbourhood as the applicant has maintained the garage use on the western portion of the building. This use is more consistent with accessory buildings and helps to create a buffer for the immediately adjacent neighbour who is considered most affected by this request for a variance. It should also be noted that the applicant has contacted the immediate neighbours who have signed letters of support for the variance request. The Planning and Development Department has reviewed the application and has no concerns with the proposal.

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

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Andrew Bruce  
Current Planning Manager

Approved for inclusion

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

BW/hb  
Attach.

**FACT SHEET**

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| 1. APPLICATION NO.:   | DVP01-10,027   |
| 2. APPLICATION TYPE:  | Development Variance Permit  |
| 3. OWNER:<br>· ADDRESS<br>· CITY<br>· POSTAL CODE   | George Mitchell and Eunice Mitchell<br>RR#1 Site 24 Comp 4<br>Winfield, BC<br>V0H 2C0  |
| 4. APPLICANT/CONTACT PERSON:<br>· ADDRESS<br>· CITY<br>· POSTAL CODE<br>· TELEPHONE/FAX NO.:  | Marv Leske<br>1361 Ladner Road<br>Kelowna, BC<br>V1Y 3M6<br>717-0624   |
| 5. APPLICATION PROGRESS:<br>Date of Application:<br>Date Application Complete:<br>Servicing Agreement Forwarded to Applicant:<br>Servicing Agreement Concluded:<br>Staff Report to Council: | May 9, 2001<br>May 28, 2001<br>N/A<br>N/A<br>June 5, 2001  |
| 6. LEGAL DESCRIPTION:   | Lot 6 DL 138 ODYD Plan 1346  |
| 7. SITE LOCATION:   | East on Dolye to south on Richter to<br>next left onto Martin  |
| 8. CIVIC ADDRESS:   | 744 Martin Avenue  |
| 9. AREA OF SUBJECT PROPERTY:  | 633 m <sup>2</sup>   |
| 10. TYPE OF DEVELOPMENT PERMIT AREA:  | N/A  |
| 11. EXISTING ZONE CATEGORY:   | RU6 – Two Dwelling Housing   |
| 12. PURPOSE OF THE APPLICATION:   | To vary a side yard setback to convert<br>a garage into a combination garage<br>and secondary suite.   |
| 13. DEVELOPMENT VARIANCE PERMIT<br>VARIANCES:   | <b><u>Section 13.6.5(d) Development<br/>Regulations, Side Yard Setback:</u></b> a<br>0.3 m variance to the required side<br>yard setback of 2.0 m to 1.7 m as<br>proposed. |
| 14. DEVELOPMENT PERMIT MAP 13.2<br>IMPLICATIONS   | N/A  |

Attachments  
(missing from electronic version)

Title search  
Location Map  
Site plan showing location of variance  
Elevations of the existing building  
Proposed floor Plans of accessory building