
CITY OF KELOWNA

MEMORANDUM

Date: March 20, 2002
File No.: DVP02-0010

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. DVP02-0010 OWNER: TYLER VAN NICE

AT: 674 ARMOUR CRESCENT APPLICANT: TYLER VAN NICE

PURPOSE: TO VARY THE FLANKING SIDE YARD SETBACK FOR A DECK AND
TO LEGALIZE AN EXISTING NON-CONFORMING FRONT YARD
SETBACK FOR A CARPORT

EXISTING ZONE: RU1 – LARGE LOT HOUSING

REPORT PREPARED BY: KIRSTEN G. BEHLER

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP02-0010, Tyler Van Nice, Lot 8, Sec. 6, Twp. 26, ODYD, Plan 18510, located on Armour Crescent, Kelowna, B.C.;

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

Section 13.1.5 (c) Front yard: Reduce the minimum front yard for a carport from 6.0 m required to 3.8 m existing;

Section 13.1.5 (d) Side yard: Reduce the flanking side yard from 4.5 m required to 1.0 m.

2.0 SUMMARY

The applicant wishes to vary the flanking side yard setback from 4.5m required to 1.0m proposed to complete the construction of a deck. In addition, he would like to legalize an existing non-conforming front yard setback of a carport. Rather than 6.0m from the front property line, the carport is located 3.8m from the front.

3.0 BACKGROUND

3.1 The Proposal

The applicant started the construction of a deck in 2001. At the time, he was unaware of the flanking side yard requirement of 4.5m. When made aware of the setback requirement, he halted construction and made application for a Development Variance Permit to be permitted to build the deck up to 1.0m to the side property line.

The deck is located at the north side of the property. It is approximately 45m" in size, constructed of wood and will be finished to conceal its base.

As part of this Development Variance Permit application, the applicant also wishes to legalize an existing non-conforming front yard setback. Rather than the 6.0m from the front property line required by bylaw, the existing carport is located 3.8m from the front property line. The City of Kelowna has no record of a building permit for the carport or the abutting shed. When the applicant purchased the house, both the carport and the shed were existing.

The application compares to the requirements the RU1 – Large Lot Housing zone as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Site Area (m ²)	962 m ²	550m ²
Site Width (m)	19m	16.5m
Site Depth (m)	23.4m	30.0m
Site Coverage (%)	25.7% 41%	40% 50% with driveway and parking
Height (m / storeys)	2 storeys	9.5m or 2 ½ storeys
Setbacks (m)		
- Front	3.8m ❶	4.5m, 6.0m for garage or carport
- Rear	7.1m	4.5m, 6.0m for garage/carport ❷
- North Side	1.0 ❸	4.5m
- South Side	3.9	2.3

Notes:

- ❶ The front yard setback of the carport is non-conforming, and the applicant wishes to legalize the existing setback. The carport and shed had been constructed prior to the applicant purchasing the house.
- ❷ The lot extends between two streets and therefore has a front yard requirement on both streets.
- ❸ The applicant has applied for a variance to reduce the required flanking side yard to 1.0m for the deck.

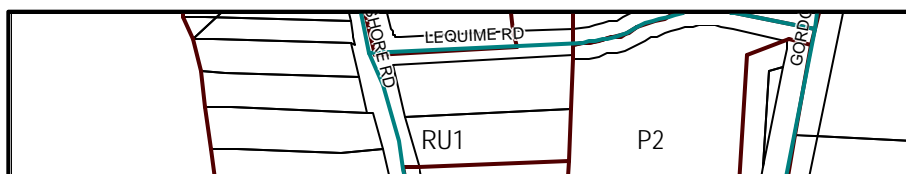
3.2 Site Context

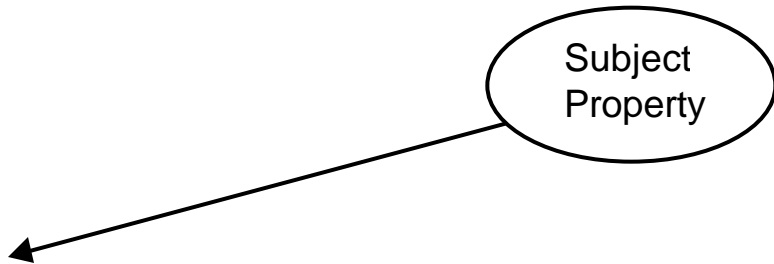
The subject property is located in the North Mission. The area is predominantly a single family neighbourhood, although two RU6 – Two Dwelling Housing zoned lots exist to the south of the subject property.

Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing – Single Family Dwelling
- East - RU1 – Large Lot Housing – Single Family Dwelling
- South - RU6 – Two Dwelling Housing – Semi-detached dwellings
- West - RU1 – Large Lot Housing – Single Family Dwelling

Location Map





3.3 Existing Development Potential

The property is currently 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 circulated to various departments and agencies, none of which had concerns with the proposed variance.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns with the proposed variance to reduce the flanking side yard from 4.5m required to 1.0m proposed. Abutting the side yard of the property is an existing landscape buffer on City right-of-way. There is no break between this landscaped area and the subject property, and the actual setback of the deck from the road visually lessens the impact of the deck. The applicant has contacted his neighbours on Armour Crescent and the neighbour to the south, all of which are supportive of the variance. The department furthermore has no concerns with the proposed variance to legalize the non-conforming setback of a carport that had been constructed prior to the applicant purchasing the house.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

KGB
Attach.

FACT SHEET

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|---|--|
| 1. APPLICATION NO.: | DVP02-10,010 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | Tyler Van Nice |
| . ADDRESS | 674 Armour Crescent |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 1A5 |
| 4. APPLICANT/CONTACT PERSON: | As above |
| . ADDRESS | |
| . CITY | |
| . POSTAL CODE | |
| . TELEPHONE/FAX NO.: | 764-4915 / -- |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | February 14, 2002 |
| Date Application Complete: | |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | March 19, 2002 |
| 6. LEGAL DESCRIPTION: | Lot 8, Section 6, Twp. 26, ODYD, Plan 18510 |
| 7. SITE LOCATION: | East of Lakeshore Road, north of Old Meadows Road, on the southeast corner of Armour Crescent and Lakeshore Road |
| 8. CIVIC ADDRESS: | 674 Lakeshore Road |
| 9. AREA OF SUBJECT PROPERTY: | 962m" |
| 10. EXISTING ZONE CATEGORY: | RU1 – Large Lot Housing |
| 11. PURPOSE OF THE APPLICATION: | To vary the flanking side yard from 4.5m required to 1.0m proposed |
| 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
- Photos of house and deck