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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** April 25, 2002  
**File No.:** DVP02-0031

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

APPLICATION NO. DVP02-0031                      OWNER: SUMMERFIELD LANDS LTD.

AT: 1390 RIDGEWAY DRIVE                      APPLICANT: WATER STREET  
ARCHITECTURE

PURPOSE: TO VARY THE SIDE YARD SETBACK FOR A GARAGE STRUCTURE  
FROM 1.5m TO 0.2m

EXISTING ZONE: RM4 – TRANSITIONAL LOW DENSITY HOUSING

REPORT PREPARED BY: KIRSTEN G. BEHLER

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**1.0     RECOMMENDATIONS**

THAT Council authorize the issuance of Development Variance Permit No. 02-0031 for Lot 4, Section 20 & 29, Township 26, ODYD, Plan KAP60338, located on Ridgeway Drive, Kelowna, B.C;

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

13.10.5 (e) Minimum site side yard: A variance for the minimum site side yard from 2.3m for a building not over two storeys or an accessory building or structure to 0.2m for the west side yard;

AND THAT the applicant be required to register an easement for maintenance on Lot 5, Section 20 & 29, Township 26, ODYD, Plan KAP60338, prior to issuance of the Development Variance Permit.

**2.0     SUMMARY**

The applicant is in the process of constructing 32 stacked row houses in two buildings. He wishes to provide garages in two accessory structures. Initially, the garages were proposed to be 1.5m from the west property line, as granted by Council under DVP01-10,011 on May 8, 2001. To improve the vehicular circulation on site, the applicant wishes to move the garage closer to the west property line, which requires a further variance to vary the setback to 0.2m proposed.

**3.0     BACKGROUND**

### 3.1 The Proposal

In May 2001, Council authorized the issuance of Development Permit DP01-10,004 for a 32 unit townhouse complex at the corner of Dilworth Crescent and Ridgeway Drive in South Glenmore. Together with the DP, the applicant was also granted a Development Variance Permit to vary height, setback and open space requirements. One of the setback variances varied the west side yard between the garages and the property line from 2.3m required to 1.5m proposed.

When preparing the site for the garage structures, concerns about sufficient space between the free-standing garage structures and the garages located at the ground floor of the principal buildings were raised by contractors and the owner of the site. Although the space between the main and the accessory structures meet minimum requirements for two-way drive aisles, the owner wishes to widen the distance in order to improve vehicular circulation on site. Therefore, the applicant is asking Council to further vary the west side yard from 1.5m permitted under DVP01-10,011 to 0.2m proposed.

The owner of the subject property also owns the only abutting site to the west. This site is anticipated to be developed with apartment or condominiums in the future. The applicant will ensure that the new development will be sited in a way that it will not be negatively impacted by the requested variance for the garage structures on the subject property. As the applicant currently owns the adjoining property, staff is requesting that a suitable easement of approximately 2.0m in width be registered on the adjoining property to facilitate maintenance of the proposed garage structure.

The application meets the requirements of the RM4 – Transitional Low Density Housing zone as follows:

CRITERIA	PROPOSAL	RM4 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	3489.8m <sup>2</sup>	900m <sup>2</sup>
Lot Width	26.3m <sup>①</sup>	30.0m
Lot Depth	97m	30.0m
Site Coverage (%)		
- Buildings and carports	37%	50%
- with driveways and parking areas	60%	60%
Total Floor Area (m <sup>2</sup> )	2521m <sup>2</sup>	N/A
F.A.R.	0.7224	0.65 with 0.0727 for underground parking: 0.7227
Storeys (#)	2.5 storeys at front (6.7m) 4 storeys at rear (11.3m) <sup>②</sup>	13.0m or 3 storeys
Setbacks (m)		
- Front	4.57m <sup>③</sup>	6.0m
- Rear	4.57m <sup>③</sup> 1.52m carports	9.0m 1.5m for accessory buildings
- West Side	0.2m <sup>④</sup>	2.3m
- East Side	4.57m	4.5m
Landscape Buffers		
- Front	4.57m	3.0m, Level 2
- Rear	1.52 – 12.6m	3.0m, Level 3: vegetative buffer or opaque barrier 1.5m for parking
- West Side	1.5m	3.0m, Level 3: vegetative buffer or opaque barrier 1.5m for parking
- East Side	4.57m	3.0m, Level 3
Private open space	566m <sup>2</sup> <sup>⑤</sup>	640m <sup>2</sup>
Bicycle Parking	16 Class I spaces in garages; 6 Class II stalls (bike rack)	Class I spaces: 16 Class II spaces: 4
Parking Stalls (#)	44 stalls	44 stalls

### Notes

- ① The lot was created under the former City of Kelowna Zoning Bylaw No. 4500 and is therefore a legal non-conforming lot.
- ② Under DVP01-10, the height of the building at the rear was varied from maximum 3 storeys to 4 storeys.
- ③ The front and rear setbacks were also varied under DVP01-10,011.
- ④ A variance to reduce the west side yard to 1.5m was granted in May 2001. The applicant hereby wishes to furthermore reduce the setback to 0.2m.
- ⑤ The amount of useable private open space was varied from the required 640m<sup>2</sup> to 566m<sup>2</sup> under DVP01-10,011.

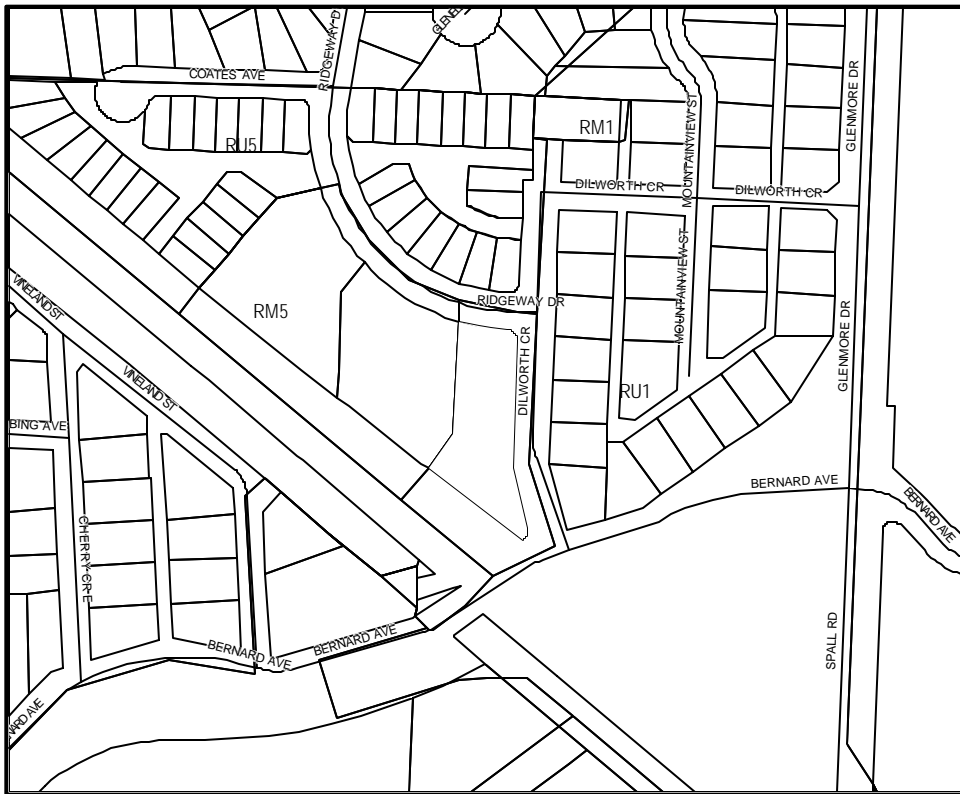
### 3.2 Site Context

The subject site is located in South Glenmore, at the corner of Dilworth Crescent and Ridgeway Drive. The southern corner of the irregularly shaped site is located at Bernard Avenue.

Adjacent uses are to the:

- North - RU6 – Bareland Strata Housing – Single detached dwellings
- East - RU1 – Large Lot Housing – Single detached dwellings
- South - RM4 – Transitional Low Density Housing –CNR right-of-way
- West - RM5 – Medium Density Multiple Housing – Vacant

#### Site Map



#### 4.0 TECHNICAL COMMENTS

The proposal was circulated to various agencies, and the following relevant comments have been received:

##### 4.1 Inspection Services

There is no concern with the reduced setback except the exterior cladding shown on the drawing may not meet the Code definition of non-combustible. The applicant should provide information on this at building permit stage.

##### 4.2 Works and Utilities

The department has no concerns with the requested variance, but recommends that an easement for maintenance be registered on the abutting property.

## 5.0 PLANNING COMMENTS

The Planning and Development Services Department has no concerns with the requested variance. The only neighbouring property affected by the requested variance is owned by the same developer and is anticipated to be the next phase of the Summerfield Lands development. Necessary separation between the garage structure on the subject property and buildings on the site to the west can be ensured at the Development Permit stage of the future development. As the applicant is also the owner of the adjacent property, which is the only property affected by the variance, the application was not referred to the Advisory Planning Commission for comments.

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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.:  | DVP02-0031  |
| 2. APPLICATION TYPE:   | Development Variance Permit                                     |
| 3. OWNER:  | Summerfield Lands Ltd.  |
| . ADDRESS  | 105-251 Lawrence Avenue   |
| . CITY   | Kelowna, BC   |
| . POSTAL CODE  | V1Y 6L2   |
| 4. APPLICANT/CONTACT PERSON:   | Water Street Architecture / Doug Lane                           |
| . ADDRESS  | 1485 Water Street   |
| . CITY   | Kelowna, BC   |
| . POSTAL CODE  | V1Y 1J6   |
| . TELEPHONE/FAX NO.:   | (250) 762-2235 / (250) 762-4584                                 |
| 5. APPLICATION PROGRESS:   |   |
| Date of Application:   | April 18, 2002  |
| Date Application Complete:   |   |
| Servicing Agreement Forwarded to Applicant:  | N/A   |
| Servicing Agreement Concluded:   | N/A   |
| Staff Report to APC:   | N/A   |
| Staff Report to Council:   | April 25, 2002  |
| 6. LEGAL DESCRIPTION:  | Lot 4, Sections 20 & 29, Twp. 26, ODYD, Plan KAP60338           |
| 7. SITE LOCATION:  | South east corner of Dilworth Crescent and Ridgeway Drive       |
| 8. CIVIC ADDRESS:  | 1390 Ridgeway Drive   |
| 9. AREA OF SUBJECT PROPERTY:   | 0.349 ha  |
| 10. EXISTING ZONE CATEGORY:  | RM4 – Transitional Low Density Housing                          |
| 11. TYPE OF DEVELOPMENT PERMIT AREA:   | Mandatory Multiple Family Residential DP                        |
| 13. PURPOSE OF THE APPLICATION:  | To vary the west side yard from 1.5m permitted to 0.2m proposed |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:<br>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | N/A   |
| 15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS   | N/A   |

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property
- Site Plan
- Cross-section