
CITY OF KELOWNA

MEMORANDUM

Date: May 17, 2002

File No.: DVP02-0030

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. DVP02-0030

OWNER: NINO & AIMEE
GIAMMARINO

AT: 874 RAYMER ROAD

APPLICANT: NINO & DENISE
GIAMMARINO

PURPOSE: TO VARY THE REAR YARD SETBACK FOR A SECOND
HOUSE ON THE PROPERTY FROM 7.5M TO 5.3M

EXISTING ZONE: RU1s – LARGE LOT HOUSING WITH SECONDARY SUITE

REPORT PREPARED BY: KIRSTEN G. BEHLER

1.0 RECOMMENDATION

THAT Council not authorize the issuance of Development Variance Permit No. 02-0030, Nino and Denise Giammarino, Lot F, D.L. 580A, SDYD, Plan 25951, located on Raymer Road, Kelowna, B.C.;

AND THAT a variances to the following section of Zoning Bylaw No. 8000 not be granted:

Section 13.1.5 (e): Minimum rear yard: Reduce the minimum rear yard from 7.5m required to 5.3m proposed.

2.0 SUMMARY

The applicants wish to construct a second house on their property which recently was rezoned to RU1s – Large Lot Housing with Secondary Suite. They wish to position the house closer to the rear property line than permitted by the zoning bylaw, and have therefore requested a variance to reduce the rear yard from 7.5m required to 5.3m proposed.

3.0 ADVISORY PLANNING COMMISSION

The application was reviewed by the Advisory Planning Commission at the meeting of May 7, 2002, and the following recommendation was passed:

THAT the Advisory Planning Commission not support application DVP02-0030 at 874 Raymer Road, Lot F, D.L. 580A, SDYD, Plan 25951, as presented, however, will support a variance to the 5m separation distance between the two houses on the subject property.

4.0 BACKGROUND

4.1 The Proposal

The subject property is located on the northwest corner of Roma Court and Raymer Road. In January 2002, Council approved the rezoning of the lot from RU1- Large Lot Housing to RU1s – Large Lot Housing with Secondary Suite. A small house exists in the centre of the 1740m² large lot. The owners of the lot wish to construct a second house on the site, which is proposed to be approximately 180m² in size. The existing house, which is 80m² large, would be considered the secondary suite.

The applicants propose to construct the principal dwelling north of the existing small house. The new one-storey house is proposed to be positioned closer to the rear property line than permitted by Zoning Bylaw No. 8000. Rather than having a rear yard of 7.5m, as required, the applicant wishes to locate the house 5.3 from the rear of the lot.

The application meets the requirements of the RU1s – Large Lot Housing with secondary suite zone as follows:

CRITERIA	PROPOSAL	RU1s ZONE REQUIREMENTS
Lot Area (m ²)	1738m ²	550m ²
Lot Width (m)	32.0m	17.0m
Lot Depth (m)	36.7m	30.0m
Site Coverage (%)	15% 29%	40% (buildings) 50% with driveways and parking areas
Total Floor Area (m ²) - New house - Secondary suite	180m ² 80m ²	N/A 90m ² or 75% of the total floor area of the principal dwelling, whichever is less
Storeys (#)	1 storey	2 ½ storeys / 9.5m
Setbacks (m)		
- Front	16.1m	4.5m
- Rear	5.3m ❶	7.5m
- Side		
- West	6.4m	2.0m
- East	12.9m	4.5m
Distance between house and suite	5.0m	5.0m
Parking Spaces	4	3

Notes:

- ❶ The applicant wishes to reduce the rear yard from 7.5m required to 5.3m provided.

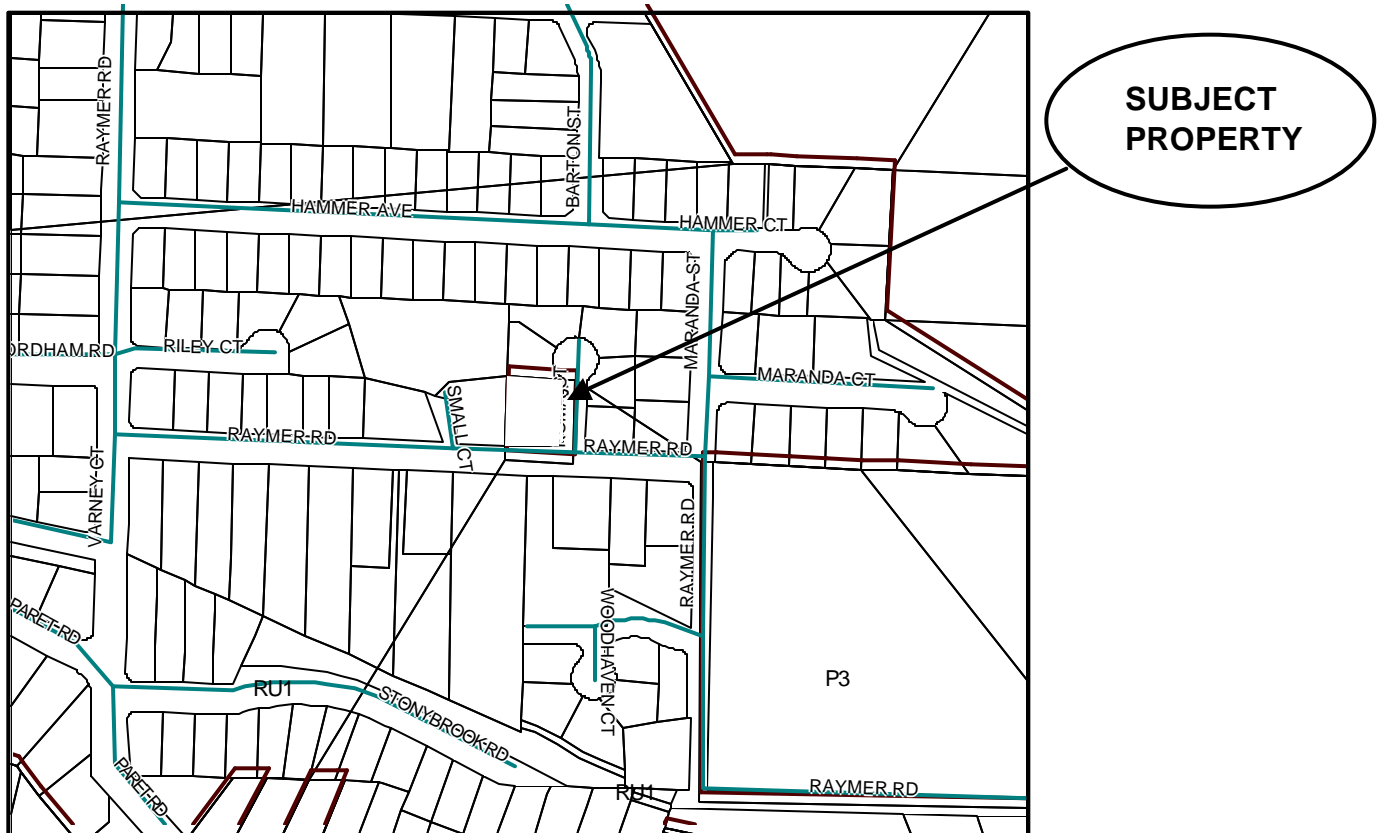
4.2 Site Context

The subject property is located in the North Mission. It is zoned RU1s – Large Lot Housing with Secondary Suite. The surrounding neighbourhood is entirely zoned RU1 – Large Lot Housing, with agricultural and parks land to the east.

Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing – single detached dwelling
- East - RU1 – Large Lot Housing – single detached dwellings
- South - RU1 – Large Lot Housing – single detached dwellings
- West - RU1 – Large Lot Housing – single detached dwelling

Site Location Map



4.3 Existing Development Potential

The property is zoned RU1s – Large Lot Housing with Secondary Suite. The purpose of this zone is to provide for single detached housing and a secondary suite, either within the principal dwelling or detached from it.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The property is designated as Single/Two Family Residential in the Official Community Plan. 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.

5.0 TECHNICAL COMMENTS

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

5.1 BC Gas

It is the responsibility of the developer to ensure that the existing gas service is clear of the new lot. If an alteration is required, the developer is responsible for the cost.

5.2 Public Health Inspector

Connection to the sanitary sewer is required.

5.3 Shaw Cable

Owner/contractor to supply and install conduit system as per Shaw Cable drawings and specifications.

5.4 Telus

Telus will provide underground facilities to this development. Developer will be required to supply and install as per Telus policy.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department is not in support of the requested variance for a 2.2m reduction of the rear yard from 7.5m required to 5.3m proposed. The variance of the required rear yard impacts the neighbour to the north. It would be advisable for the applicant to consider requesting a variance for the distance between the house and the suite, which is currently meeting the required 5.0m minimum. A variance between the two houses on the subject property, provided all spatial separation requirements of the Building Code could be met, would have no negative impact on abutting neighbours.

7.0 ALTERNATE RECOMMENDATION I

THAT Council authorize the issuance of Development Variance Permit No. 02-0030, Nino and Denise Giammarino, Lot F, D.L. 580A, SDYD, Plan 25951, located on Raymer Road, Kelowna, B.C.;

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

Section 13.1.5 (e): Minimum rear yard: Reduce the minimum rear yard from 7.5m required to 5.3m proposed.

8.0 ALTERNATE RECOMMENDATION II

THAT Council authorize the issuance of Development Variance Permit No. 02-0030, Nino and Denise Giammarino, Lot F, D.L. 580A, SDYD, Plan 25951, located on Raymer Road, Kelowna, B.C.;

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

Section 13.1.6: Distance between principal dwelling and accessory building with secondary suite: Reduce the minimum separation between the principal dwelling and the accessory building containing a secondary suite from 5.0m required to 2.8m.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

KGB
Attach.

FACT SHEET

1. **APPLICATION NO.:** DVP02-0030
2. **APPLICATION TYPE:** Development Variance Permit
3. **OWNER:** Gino & Aimee Giammarino
 . **ADDRESS** 874 Raymer Road
 . **CITY** Kelowna, BC
 . **POSTAL CODE** V1W 1J8
4. **APPLICANT/CONTACT PERSON:** Gino & Denise Giammarino
 . **ADDRESS** As above
 . **CITY**
 . **POSTAL CODE**
 . **TELEPHONE/FAX NO.:** 861-0558
5. **APPLICATION PROGRESS:**
 Date of Application: April 14, 2002
 Date Application Complete:
 Servicing Agreement Forwarded to Applicant: N/A
 Servicing Agreement Concluded: N/A
 Staff Report to APC: May 1, 2002
 Staff Report to Council: May 17, 2002
6. **LEGAL DESCRIPTION:** Lot F, D.L. 580A, SDYD, Plan 25951
7. **SITE LOCATION:** North Mission, at the corner of Raymer Road and Roma Court
8. **CIVIC ADDRESS:** 874 Raymer Road
Kelowna, BC
9. **AREA OF SUBJECT PROPERTY:** 1738m"
10. **EXISTING ZONE CATEGORY:** RU1s – Large Lot Housing with Secondary Suite
11. **PURPOSE OF THE APPLICATION:** To vary the rear yard setback for the new house from 7.5m required to 5.3m 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
- Elevations of new house
- Floor plans of new and existing house