
CITY OF KELOWNA

MEMORANDUM

Date: August 2, 2002
File No.: (3090-20) **DVP01-10,087**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. DVP01-10,087

OWNER: ABERDEEN HOLDINGS
LTD.

AT: GUISACHAN ROAD & BURTCH
ROAD

APPLICANT: PROTECH CONSULTANTS
(1989) LTD.

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY THE REQUIREMENTS OF THE RU5 – BARELAND STRATA HOUSING ZONE TO REDUCE THE SUM OF THE SIDE YARD SETBACKS FROM 3.0 M REQUIRED TO THE 2.4 M SUM PROPOSED FOR INTERNAL LOTS, AND FROM 4.5 M SUM REQUIRED TO THE 2.4 M SUM PROPOSED FOR FLANKING LOTS

EXISTING ZONE: A1 – AGRICULTURAL 1

PROPOSED ZONE: RU5 – BARELAND STRATA HOUSING

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,087; Protech Consultants (1989) Ltd.; Lot 4, DL 136, O.D.Y.D., Plan 1562 Exc. Plans 41601 and KAP46155, located on Burtch Road, Kelowna, B.C.;

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

Vary Section 13.5.5(f) **Development Regulations** of the City of Kelowna Zoning Bylaw #8000 to reduce the sum of both side yards on a bareland strata lot from 3.0 m required to 2.4 m proposed for internal bareland strata lots, and where a bareland strata lot abuts a internal roadway the setback shall be a minimum of 1.2 m from the flanking roadway and the sum of both side yards shall be not less than 2.4 m.

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued;

2.0 SUMMARY

The applicant originally made application (Z99-1007) in February 1999 to rezone the subject property from the existing A1 – Agriculture 1 zone to the RM7 – Mobile Home Park zone in order to permit the development of a 226 unit modular home park. That development proposal had subsequently been amended to create a total of 254 units over 5 stages of development in a single storey modular building form. That zone amending bylaw (#8467) was recently defeated when a revised application (Z02-1009) to rezone to the RU5 – Bareland Strata Housing zone was considered by Council on May 6, 2002. This RU5 rezoning application had a successful Public Hearing on May 28, 2002, with final reading and adoption having been considered on June 24, 2002.

This current application is for a Development Variance Permit to authorize a reduction in the sum of the interior side yard building setbacks from the 3.0 m required to the sum of 2.4 m proposed, in order to permit a minimum side yard setback of 1.2 m to both sides of the proposed interior lots. Furthermore, where a bareland strata lot abuts a flanking internal roadway, this variance also seeks to reduce the sum of the side yard building setbacks from the 4.5 m required to the sum of 2.4 m proposed, with a minimum setback of 1.2 m from the flanking street and 1.2 m from the interior side yard property line.

2.1 Advisory Planning Commission

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of March 26, 2002 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z02-1009, 2350 Burtch Road, Lot 4, Plan 1562, Sec. 18, Twp. 26, O.D.Y.D., by Protech Consultants Ltd. (Grant Maddock), to rezone from the A1 – Agricultural 1 zone to the RU5 – Bareland Strata Housing zone in order to allow for a 245 unit bareland strata development;

AND THAT the Advisory Planning Commission not support Development Variance Permit Application No. DVP01-10,087, Lot 4, Plan 1562, Sec. 18, Twp. 26, O.D.Y.D., by Protech Consultants Ltd. (Grant Maddock), to vary the minimum requirements for both side yards from 3.0 m to 2.4 m. The Advisory Planning Commission felt that the applicants' reason to increase the number of lots was not acceptable.

3.0 BACKGROUND

3.1 The Proposal

The applicant originally made application (Z99-1007) to rezone the subject property from the existing A1 – Agriculture 1 zone to the RM7 – Mobile Home Park zone in . That application proposed the development of 254 mobile home sites in 5 stages for single storey modular homes, constructed on site, similar to the existing adjacent Sunrise Village development. That application proceeded to a successful public hearing on October 5, 2001, and received second and third readings. However, the zone amending bylaw was defeated when the applicant made a new application (Z02-1009) to rezone the subject property to the RU5 – Bareland Strata zone on March 1, 2002. That application proposed the development of the subject property as a bareland strata form

of development comprising of 251 lots, anticipated to be developed in 11 stages, also in a single storey modular building form.

Section 13.5.5(f) **Development Regulations**, states:

“The sum of both side yards on a bareland strata lot shall be 3.0 m except where a bareland strata lot abuts a internal roadway, the setback shall be a minimum of 3.0 m from the flanking roadway and the sum of both side yards shall not be less than 4.5 m. A garage or carport shall be no less than 6.0 m from a curb or sidewalk”.

This current application for a Development Variance Permit seeks a reduction of the sum of the sideyard setbacks of the RU5 – Bareland Strata Housing zone from the 3.0 m required to 2.4 m. proposed for internal bareland strata lots, in order to permit a minimum of a 1.2 m side yard setback to both sides of the proposed dwellings. Furthermore, where a bareland strata lot abuts a flanking internal roadway, this variance also seeks to reduce the sum of the side yard building setbacks from the 4.5 m required to 2.4 m proposed, with a minimum setback of 1.2 m from the flanking street and 1.2 m from the interior side yard property line. The reduction to the side yard setbacks is to facilitate a 34' (10.36m) wide house plan for the proposed lots which are proposed to be a minimum of 12.8 m wide. The minimum lot width required in the RU6 zone is 12 m.

It is interesting to note that the RU3 – Small Lot Housing zone has similar side yard setback requirements of 1.2 m for 1 or 1 ½ storey portion of a building.

The proposal as compared to the RU5 zone requirements is as follows:

CRITERIA	PROPOSAL	RU5 ZONE REQUIREMENTS
Site Area (m ²)	15.62Ha.	1.0Ha (min.)
Site Width (m)	219m	40.0m (min.)
Bareland Lot Area (m ²)	370 m ² (min.)	325 m ² (min.)
Bareland Lot Width (m)	12.0 m (min.)	12.0 m (min.)
Storeys (#)	1 storey	2 ½ storey (9.5m) max.
Setbacks (m)		
- Site Front (Stillingfleet Rd)	7.5m	4.5 m (min.)
- Site Rear (Burtch Rd)	7.5m	6.0m (min.)
- Site North Side (flanking)	7.5m	3.0m (min.)
- Site South Side	4.5m	4.5m (min.)
Setbacks (m) Strata Lot		
- Front	6.0 m to back of curb	4.5 m
- Rear	5.0 m	The minimum bareland strata rear yard for an internal lot is 4.5 m for a one storey building and 6.0 m for development above the first storey, but may be reduced to 3.0 m where the rear yard abuts common property used for recreational or open space purposes, or public open space.
- Side	Internal lots – Sum of 2.4 m (1.2 m each side) Flanking Street – Sum 2.4 m (1.2 m to flanking st., 1.2 m to interior property line)	The sum of both side yards on a bareland strata lot shall be 3.0 m except where a bareland strata lot abuts an internal roadway, the setback shall be a minimum of 3.0 m from the flanking roadway and the sum of both side yards shall not be less than 4.5 m.
Open Space		Minimum of 10% of the site shall be open space.
Parking Stalls (#)	Provided parking: 490 residential stalls 68 visitor & RV stalls	2 stalls per residential unit visitor stalls @ 1 stall per 7 residential units

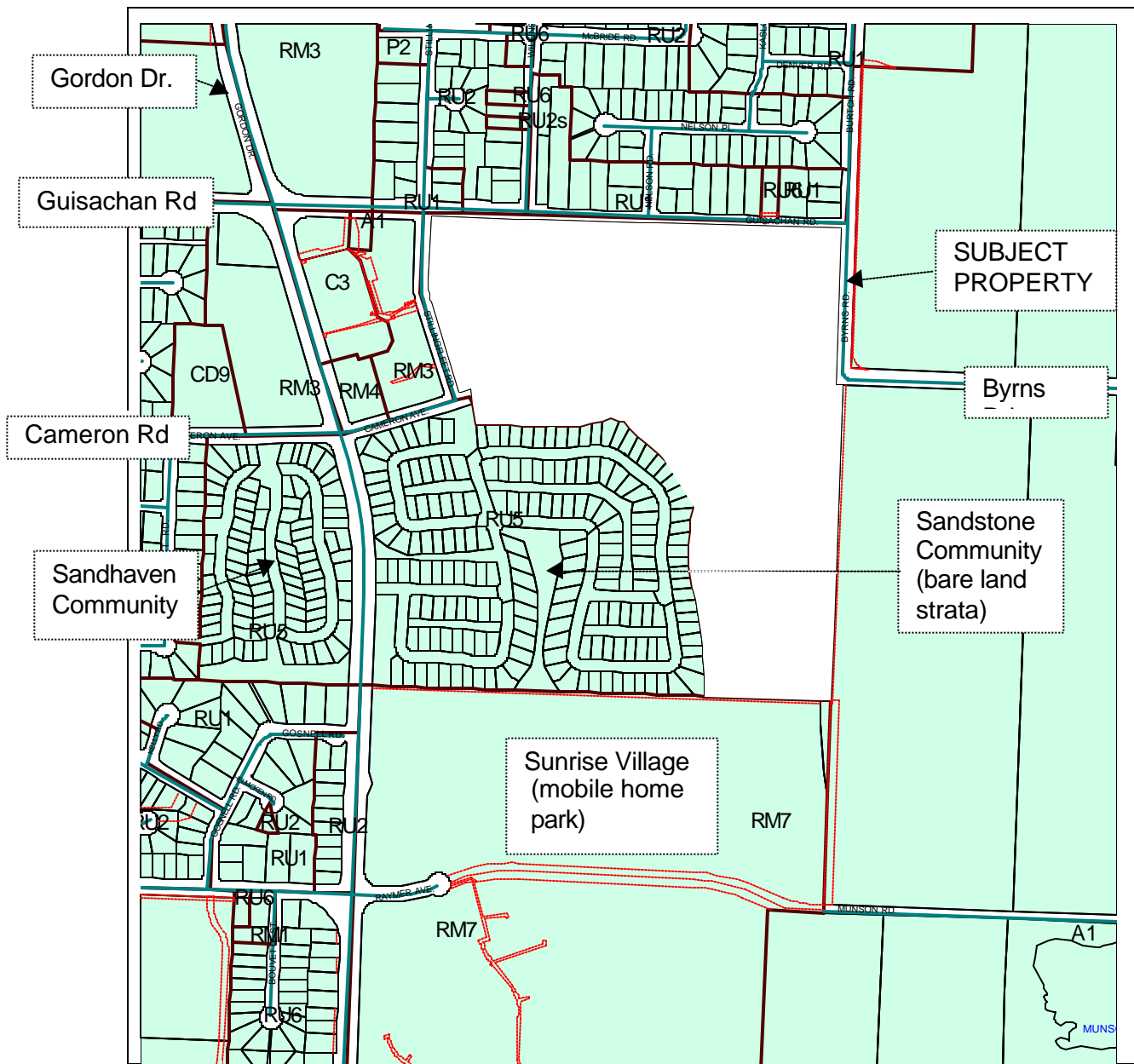
3.2 Site Context

The subject property is located in a neighbourhood that is a mix of single and two family residential uses to the north, agricultural uses to the east, existing walled communities of the “Sandstone” bareland strata development and “Sunrise Village” modular home park development to the south, and the Guisachan Village mixed use commercial and multi-family residential development to the west.

Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing
RU6 – Two Dwelling Housing / Guisachan Road
- East - A1 – Agricultural 1 / agricultural uses
- South - RU5 – Bareland Strata Housing (Sandstone)
RM7 – Mobile Home Park (Sunrise Village)
- West - RM3 – Low Density Multiple Housing (Guisachan Village)
RU5 – Bareland Strata Housing (Sandstone)

Subject Property Map



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The proposal is consistent with the Single/Two Family Residential future land use designation of the Official Community Plan.

Section 8.1 Housing Policies of the Official Community Plan also includes the following policy statements;

.33 Land Utilization within Single Detached Areas. Work towards achieving more efficient use of land within developed single-detached neighbourhoods by encouraging rezoning, subdivision and building permit applications that would allow for smaller lot sizes, secondary suites, minor boarding facilities, minor group homes, duplexes etc. that are sensitively integrated into a neighbourhood;

.38 Housing Variety. Encourage the development of a variety of housing forms to ensure that the housing supply meets the needs of Kelowna's diverse population and satisfies a range of life cycle and lifestyle choices;

.42 Integration. Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities;

.50 "Walled Communities". Discourage the creation of developments enclosed on all sides with walls or other physical or visual barriers to access if such developments compromise the principles embedded in the "Crime Prevention Through Environmental Design" guidelines and hinder efforts to create more pedestrian, bicycle and transit-friendly communities or inhibit the efficient use of infrastructure;

Section 11.1 Agricultural Policies of the Official Community Plan includes the following policy statements;

.19 Buffers. Provide for distinct boundaries that separate urban and rural uses by utilizing, where appropriate, roads, topographic features, watercourses, ditching, fencing, or small lot rural transition areas, as buffers to preserve larger farm units and areas;

.20 Buffering. Require that new developments adjacent to or abutting agricultural areas provide sufficient setbacks, on-site fencing and vegetative buffering to mitigate potential conflicts. (please refer to Zoning Bylaw and Provincial Land Reserve Commission specifications for information on minimum landscape buffers);

3.3.2 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the intent of the Strategic Plan which states:

"The City will, in its plans and policies concerning future urban development, place an emphasis on more efficiently using serviced land within existing urban areas through infill and will provide for an increased density of development within established urban areas through re-

development of areas which are in transition. Urban areas which are targeted include the Central City area with emphasis on the waterfront and north end, Rutland, and South Pandosy particularly along major traffic arteries and near the town centres, the Glenmore Valley and Highway 97 corridor."

3.3.3 South Pandosy/KLO Sector Plan

The proposal is consistent with the Single/Two Unit Residential land use designation of the South Pandosy/KLO Sector Plan. However, the Sector Plan also states that the "City of Kelowna's objectives are to... encourage a wide range of housing forms and tenures in the sector..."

3.3.4 Crime Prevention Through Environmental Design

The City of Kelowna CPTED guidelines contain the following statements which apply to this proposal,

"Current CPTED guidelines, when applied to subdivisions, can create a safe environment without the use of the more common, conspicuous methods, such as continuous perimeter walls. For instance, streets designed with traffic calming devices, such as gateway treatments, speed bumps and other measures, discourage speed and non-local traffic. Also, by keeping public areas observable, potential offenders will think twice before committing a crime."

4.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

This current Development Variance Permit seeks approval of a reduction of the sum of the side yard building setbacks from the 3.0 m required to the 2.4 m proposed for internal bareland strata lots, and a reduction of the sum of the side yard building setbacks from the 4.5 m required to the 2.4 m proposed for flanking internal roadway lots. This will result in a 1.2 m side yard building setback to flanking internal roadways and an internal side yard building setback of 1.2 m, which is the same side yard setback permitted in the RU3 – Small Lot Housing zone for buildings that are 1 or 1 ½ storeys high. The proposed 3.0 m side yard building setback reduction to 1.2 m along flanking internal roadways will still maintain a back of curb to building face of 4.2 m taking into consideration a 3 m wide boulevard area between the property line and back of curb of the roadway. All proposed front yard building setbacks will be 6.0 m from back of curb to garage wall.

The proposed development of the subject property with this proposed side yard building setback variance will have a form and character that will be virtually the same as the neighbouring "Sandstone" bareland strata development, located at the corner of Cameron and Stillingfleet Roads, and the "Sandhaven" bareland strata development located at the south west corner of Cameron Rd. and Gordon Drive. The proposed development incorporates a well developed entrance feature to identify the entry point to the proposed community. The wide expanse of landscaping provides a significant degree of visual interest.

The applicant is contending that this proposed variance should be favourably considered in light of the 1996 OCP directives outlined in Section 8.1 Housing Policies. These policies include achieving more efficient use of land within the developed single detached neighbourhoods and is requesting the same internal side yard building setback as the RU3 small lot housing zone.

The Planning and Development Services Department is prepared to support the proposed variance and will monitor it's acceptance into the marketplace to determine, if ultimately, the RU5 side yard building setbacks should be amended accordingly.

In light of the above, the Planning and Development Services Department supports this development variance permit application, and recommends for Council's positive consideration.

Bob Shaughnessy
Subdivision Approving Officer

Approved for inclusion

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

PMc/pmc
Attach.

FACT SHEET

1. **APPLICATION NO.:** DVP01-10,087
2. **APPLICATION TYPE:** Development Variance Permit
3. **OWNER:** Aberdeen Holdings Ltd.
· **ADDRESS** #205 – 2365 Gordon Dr.
· **CITY/POSTAL CODE** Kelowna, BC V1W 3C2
4. **APPLICANT/CONTACT PERSON:** Protech Consultants (1989) Ltd.
· **ADDRESS** Grant Maddock
· **CITY/POSTAL CODE** #200 – 1449 St. Paul St.
· **TELEPHONE/FAX NO.:** Kelowna, BC V1Y 2E4
860-1771/860-1994
5. **APPLICATION PROGRESS:**
Date of Application: January 29, 1999
Date Application Complete: February 8, 1999
Servicing Agreement Forwarded to Applicant: September 27, 1999
Servicing Agreement Concluded: June 24, 2002
Staff Report to Council: August 2, 2002
6. **LEGAL DESCRIPTION:** Lot 4, DL 136, O.D.Y.D., Plan 1562
Exc. Plans 41601 and KAP46155
7. **SITE LOCATION:** South-West corner of Burtch Road
and Guisachan Road
8. **CIVIC ADDRESS:** 2350 Burtch Road
9. **AREA OF SUBJECT PROPERTY:** 19.64 Ha.
10. **TYPE OF DEVELOPMENT PERMIT AREA:** General Multiple Family Development
Permit Area
11. **EXISTING ZONE CATEGORY:** A1 – Agricultural 1
12. **PROPOSED ZONE:** RU5 – Bareland Strata Housing
13. **PURPOSE OF THE APPLICATION:** To seek a Development Variance
Permit to Vary the Requirements of
the RU5 – Bareland Strata Housing
Zone to Reduce the Sum of the Side
Yard Setbacks From 3.0 m Required
to the 2.4 m Sum Proposed For
Internal Lots, and From 4.5 m
Required to the 2.4 m Sum Proposed
For Flanking Lots

**14. DEVELOPMENT VARIANCE PERMIT
VARIANCES:**

Vary Section 13.5.5(f) **Development Regulations** of the City of Kelowna Zoning Bylaw #8000 to reduce the sum of both side yards on a bareland strata lot from 3.0 m required to 2.4 m proposed except where a bareland strata lot abuts a internal roadway, the setback shall be a minimum of 1.2 m from the flanking roadway and the sum of both side yards shall not be less than 2.4 m.

**15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS**

N/A

Attachments

Subject Property Map
Detail – Building on Lot Layout
Subdivision Phase Plan

(3 Pages)