
CITY OF KELOWNA

MEMORANDUM

Date: October 2, 2002
File No.: DVP02-0082

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. DVP02-0082
AT: 2008 Ethel Street

OWNER: Geisbrecht, Steve
APPLICANT: Geisbrecht, Steve

PURPOSE: TO VARY THE REQUIRED 2.5m MINIMUM SIDE YARD SETBACK TO
0.35m EXISTING

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP02-0082; Steve Geisbrecht, Lot F, Section 19, TWP. 26, ODYD, Plan 12546, located on Ethel Street, Kelowna, B.C., allowing the construction of a two story building addition:

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

13.6.5 (d) Side Yard: Reduce the Side Yard Setback from 2.3 m required to 0.35 m.

2.0 SUMMARY

The applicant is proposing a two-story addition to the existing primary dwelling on the site. The ground floor of the addition will serve as both a workshop/exercise area and garage. The upper floor will house a new master bedroom to be used by the residents. The applicant is proposing to vary the southern side yard from the required 2.3m to a proposed 0.35m. The applicant has received a Development Permit waiver (DPW02-244) for the proposed additions' encroachment into Mill Creek's Riparian Management Zone. The Ministry of Land, Water and Air Protection has also waived the required 15.0 setback and which has been reduced to 10.0m and has relaxed the minimum flood construction level from 1.5m above the natural boundary of Mill Creek to 0.5m (2002SIP1178).

3.0 BACKGROUND

3.1 The Proposal

The applicant is proposing a two-story addition to the existing primary dwelling on the site. The lot is zoned RU6- Two Dwelling Housing. The ground floor of the addition will serve as both a workshop/exercise area and garage. The upper floor will house a new master bedroom to be used by the residents. The applicant is also proposing to vary the southern side yard from the required 2.3m to a proposed 0.35m. It should be noted that the existing house is non-conforming with regards to the southern side yard setback and the proposed addition will sit further from the property line (0.15m) than the storage shed that it will replace. The applicant began construction on the project without the knowledge that a variance or building permit was necessary. The applicant ceased construction when informed that a Development Variance Permit would be necessary.

The subject property is in a Natural Environment Development Permit Zone. Mill Creek enters the property on the north east corner, crosses the rear of the property and leaves at the southwest corner. The existing house does not conform to the Riparian Management Area setback of 15.0m. The proposed addition also encroaches into the RMA; however, does not increase the footprint of the structure that it may replace. The applicant has received a Development Permit Waiver for the RMA setback (DPW02-244). Furthermore, the Ministry of Land, Water and Air Protection has reviewed the proposal and has also waived (2002SIP1178) the required 15.0m setback and allowed a relaxed setback of 10.0m. This relaxation was based on the understanding that the applicant registers a Flooding Covenant for the subject property. The applicant has registered the required covenant (File: RC02-22).

The application meets the requirements of the proposed RU6 – Two Dwelling Housing as follows:

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Lot Area (m ²)	2585m ²	400 m ²
Floor Area (m ²) – Existing House	140m ²	N/A
Floor Area (m ²) – Proposal	83.5m ²	N/A
Site Coverage (%)	17% 25%	40% (building) 50% (with driveway and parking)
Storeys (#)	2 storeys / 6.0m	2.5 storeys / 9.5m
Setbacks-House (m)		
- Front Yard	6.0m	4.5m
- North Side Yard (RMA)	10m (Existing Non-Conforming)	15m
- South Side Yard	3m (approx.)	2.3m
Setbacks-Proposed Addition (m)		
- North Side Yard (RMA)	10.0m	15.0m
- South Side Yard	0.35m ❶	2.3m
- Rear Yard (between Addition and existing Cottage)	15.24m	5m
Horizontal Setback from Mill Creek	10m❷	15m
Minimum Flood Construction Level	0.5m❷	1.5m

Notes:

- ❶ The applicant is seeking to vary the minimum side yard requirements from 2.3m to 0.35m under this Development Variance Permit.

- ② The applicant has received a DP waiver (DPW-02-244) and a waiver from the Ministry of Water, Land and Air Protection for this encroachment into the Riparian Management Area and for the minimum flood construction level (2002SIP1178).

4.2 Site Context

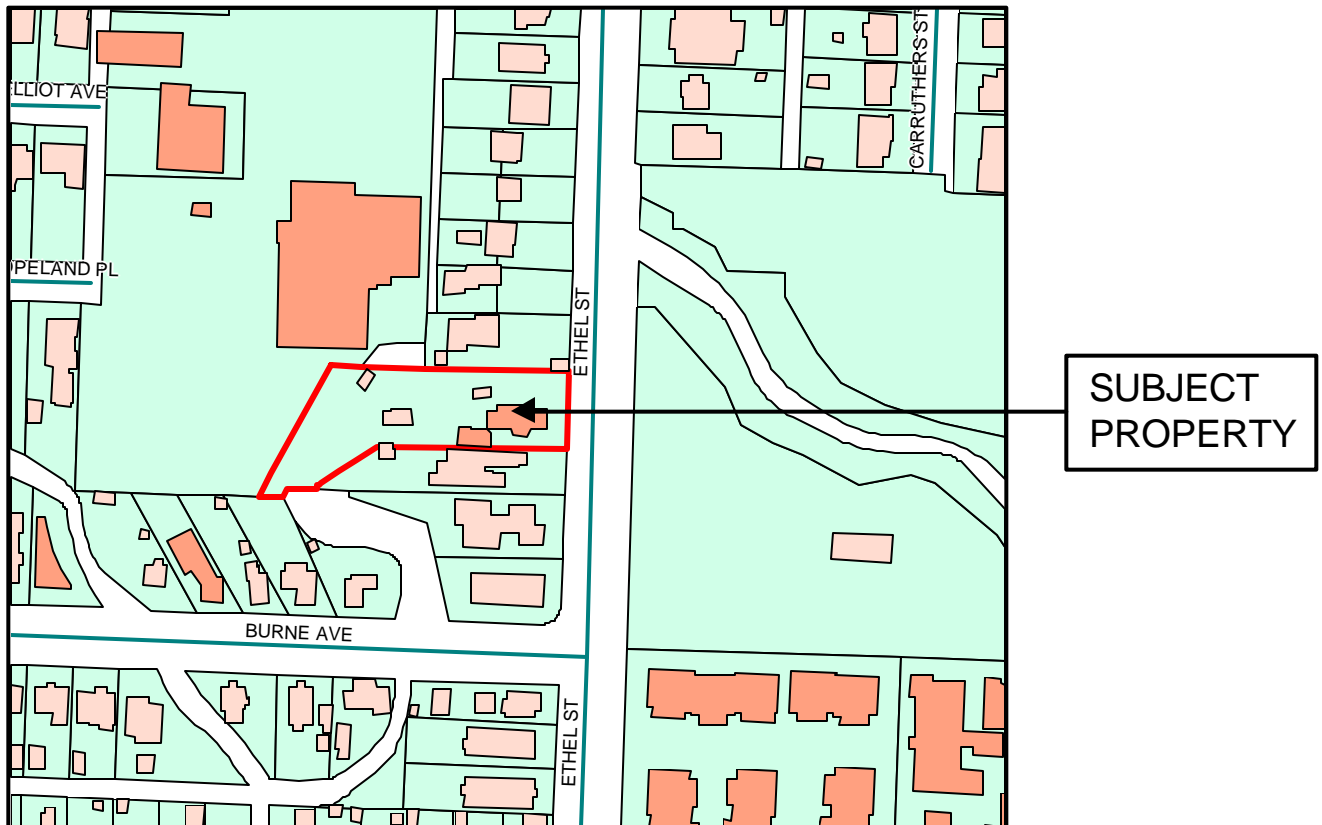
The subject property is located on the west side of Ethel Street between Sutherland and Burne Avenues. Mill Creek enters the property on the north east corner, bisects the rear of the property and leaves at the southwest corner. The adjacent properties to the north and south are zoned RU6-Two Dwelling Housing. The rear of the subject property backs onto a large lot owned by the Roman Catholic Church.

Adjacent zones and uses are:

- North - RU6- Two Dwelling Housing– Single family dwelling
- East - CD1- Comprehensive Development Zone 1 – Vacant Lot
- South - RU6- Two Dwelling Housing – Single family dwelling with suite
- West - P2- Education and Minor Institutional – Roman Catholic Church

4.3 Site Location Map

Subject Property: 2008 Ethel Street



4.4 Current Development Policy

4.4.1. Kelowna Official Community Plan

The proposal is consistent with the future land use designation of Multi-Unit Residential Low-Density Transition in the Official Community Plan. The OCP also encourages a focus towards achieving more efficient use of land within single-detached neighbourhoods. The proposed addition would allow the applicant to increase the floor area of the principle dwelling without increasing the existing building footprint and would allow the applicant to provide housing and care for an elderly family member.

4.4.2. City of Kelowna Strategic Plan (1992)

One of the objectives of the Strategic Plan is “to develop a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban areas” (Objective 1.1). The proposal is consistent with this objective and its accompanying strategies.

5.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following relevant comments have been submitted:

5.1 Inspection Services Department

1. The wall construction of the wall 1m from the property line shall be ¾hr. fire rate (5/8 Type X Gypsum Board)
2. Met with applicant to discuss structural requirements for roof.
3. No other concerns

5.2 Works and Utilities

No Comment

5.3 Ministry of Water, Land and Air Protection (File: 2002SIP1178)

After consideration the Ministry of Water, Land and Air Protection is prepared to support this request for relaxation of the minimum horizontal flood construction setback from Mill Creek from 15.0 metres to 10.0 metres and the minimum flood construction level from 1.5 metres to 0.5 metres above the natural boundary of Mill Creek to facilitate construction of the proposed garage addition. The relaxation is subject to the owner entering into a covenant registerable under Section 219 of the *Land Title Act*.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns regarding the proposed variances. The required Riparian Management Setback Area for the creek limits the development potential on the property and it is felt that proposed side yard variance is acceptable in this situation. The applicant has also submitted a letter of endorsement from the neighbor to the south who would be affected by the proposed addition. A Development Permit Waiver (DPW02-244) has also been issued for the encroachment into the RMA of Mill Creek. The Ministry of Water, Land and Air Protection waived and relaxed both required setback and minimum flood construction levels and has required that the applicant enter into a covenant which that applicant has done. It is also noted that the applicant has made a considerable effort to clean up the property and in particular the creek area over the years.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

RWS
Attach.

FACT SHEET

1. **APPLICATION NO.:** DVPO2-0082
2. **APPLICATION TYPE:** Development Variance Permit
3. **OWNER:** Geisbrecht, Steve
 - **ADDRESS** 2008 Ethel Street
 - **CITY** Kelowna, BC
 - **POSTAL CODE** V1Y 2Z5
4. **APPLICANT/CONTACT PERSON:** Geisbrecht, Steve
 - **ADDRESS** 2008 Ethel Street
 - **CITY** Kelowna, BC
 - **POSTAL CODE** V1Y 2Z5
 - **TELEPHONE/FAX NO.:** 712-1018
5. **APPLICATION PROGRESS:**
 - Date of Application:** September 5, 2002
 - Date Application Complete:** September 5, 2002
 - Servicing Agreement Forwarded to Applicant:** N/A
 - Servicing Agreement Concluded:** N/A
 - Staff Report to Council:** September Oct 1, 2002
6. **LEGAL DESCRIPTION:** Lot F, Section 19, TWP. 26, ODYD, Plan 12546
7. **SITE LOCATION:** West side of Ethel Street, North of the intersection with Burne Avenue
8. **CIVIC ADDRESS:** 2008 Ethel Street
Kelowna, BC
9. **AREA OF SUBJECT PROPERTY:** 2588m²
10. **AREA OF PROPOSED REZONING:** N/A
11. **EXISTING ZONE CATEGORY:** RU6 – Large Lot Housing
12. **PROPOSED ZONE:** N/A
13. **PURPOSE OF THE APPLICATION:** Side Yard Variance
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** 02-081-19369
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** N/A

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Floor plans of proposed addition
- Elevations
- Photos showing demolition and reconstruction
- Site plan of existing property
- Certified foundation survey