
CITY OF KELOWNA
MEMORANDUM

Date: October 11, 2002
File No.: DP02-0024 / DVP02-0071

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO:
DP02-0024 / DVP02-0071

OWNER: Prince Karl August of Sayn-Wittengstein

AT: 1283 Bernard Avenue

APPLICANT: Teschinsky, Reiner

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW THE ADDITION OF
TWO ATTACHED SINGLE CAR GARAGES

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY THE
MAXIMUM ALLOWABLE SITE COVERAGE

TO VARY MINIMUM FRONT YARD SETBACK REQUIREMENT

EXISTING ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council not authorize the issuance of Development Variance Permit No. 02-0071, Reiner Teschinsky, Lot 10, Section 19, TWP 26, Plan 427, located on Bernard Avenue, Kelowna, B.C.;

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

Section 13: Specific Zone Regulations: Urban Residential Zones:

- Vary the Maximum Allowable Site Coverage (including buildings and driveways from 50% required to 59% proposed;
- Vary the Minimum Allowable Front Yard Setback from 6.0 m required to 4.73 m proposed;

AND THAT Council not authorize the issuance of Development Permit No. 02-0024, Reiner Teschinsky, Lot 10, Section 19, TWP 26, Plan 427, located on Bernard Avenue, Kelowna, B.C., for the construction of two attached single car garages.

2.0 SUMMARY

The applicant is seeking a Development Permit to allow for the addition of two single car garages to be attached to the north side of the existing multi-family building. The applicant is also seeking a Development Variance Permit to vary the maximum allowable lot coverage and the minimum front yard setback. The lot is currently zoned RM3. The maximum allowable site coverage for buildings, driveways and parking areas is 50%; however, addition of the proposed accessory building would increase the total site coverage to 59%. The minimum allowable front yard setback is 6.0m with a garage whereas the proposed addition would require this to be reduced to 4.73m.

2.0 ADVISORY PLANNING COMMISSION

At the September 24th meeting of the Advisory Planning Commission it was resolved that:

That the Advisory Planning Commission not support Development Variance Permit Application No. DVP02-0071, 1283 Bernard Avenue, Lot 10, Plan 427, Sec. 19, Twp. 26, ODYD, by Reiner Teschinsky to vary the maximum allowable lot coverage from 50% to the 59% proposed in order to facilitate the addition of two single car garages.

As the Advisory Planning Commission did not support the requested variances, they did not pass a resolution on the requested Development Permit.

4.0 BACKGROUND

4.1 The Proposal

The applicant is seeking a Development Permit to add two single car garages on the end of an existing multi-family building. The lot is situated between Bernard and Lawrence Avenues with access to the property being via Bernard Avenue. The addition would be to the north end of the multi-family building facing Bernard Ave. The proposed single car garage units will each have a car entrance, a man-door entrance at the front, and another man-door entrance at the rear. The roof of the proposed garages will be shingled to match the existing building and the walls will be finished in either plain or acrylic stucco.

The applicant is seeking to vary the maximum allowable lot coverage to accommodate the proposed addition. The property is currently zoned RM-3 which allows a maximum lot coverage of 50% (% including buildings, driveways and parking areas). The applicant proposes a variance that would allow for a maximum lot coverage of 59%. The applicant is also seeking to vary the minimum required front yard bordering on Bernard Avenue from 6.0m to 4.73m.

The application compares to the requirements the City of Kelowna Zoning Bylaw No. 8000 for RM3 zones as follows:

CRITERIA	PROPOSAL	RM3 REQUIREMENTS
Height	1 Storey	9.5m (2.5 Storeys)
Set Backs:		
Front Yard	4.73m ^①	6.0m
Side Yard	5.33m	4.0m
Maximum Building Site Coverage	42% (Current Coverage)	40% max.
Site Coverage of Buildings, Driveways and Parking Areas	55% (Current Coverage)	50% max.
Maximum Site Coverage of Buildings, Driveways and Parking Areas with Garage Addition	59% ^②	50% max.

Notes:

- ① The applicant has requested a variance for the Front Yard requirement under this Development Variance Permit application.
- ② The applicant has requested a variance for the maximum site coverage of buildings, driveways and parking areas under this Development Variance Permit application.

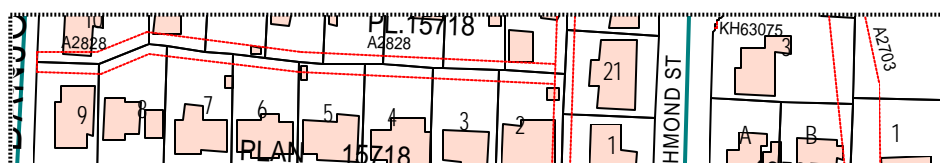
5.0 Site Context

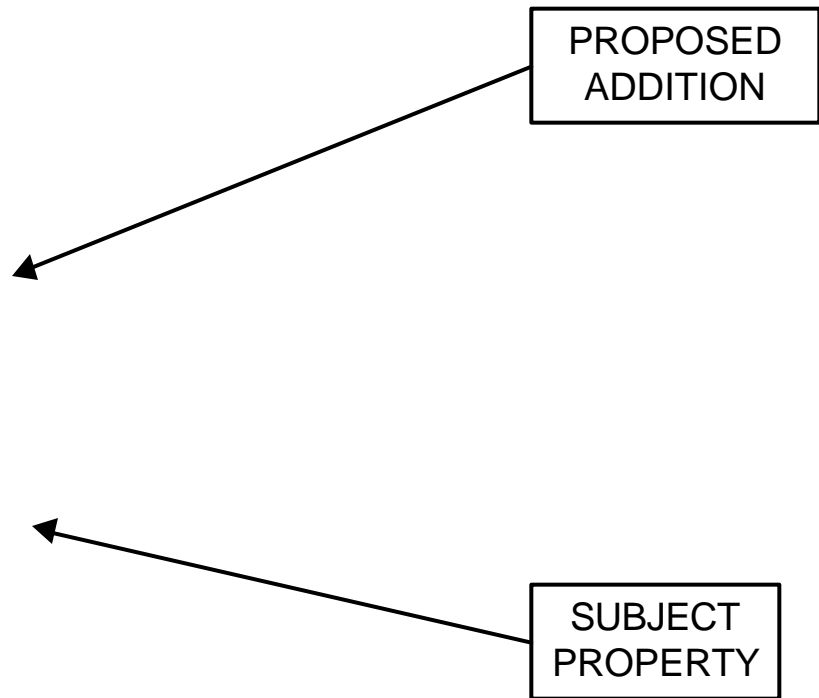
The subject property is located in the Central City sector on the south side of Bernard Avenue. To the east of the property are the intersection of Bernard Avenue and Richmond Road and the rear of the property borders on Lawrence Ave. The proposed addition would be constructed on the northern end of the multi-family building adjacent to Bernard Avenue. The area to the north of the subject property is comprised of single family residential housing and is zoned RU1-Large Lot Housing. The east and west sides of the subject property are zoned RM3-Low Density Multiple Unit Housing and the area to the south is zoned RM5-Medium Density Multiple Unit Housing.

Adjacent zones and uses are:

- North - RU1 – Large Lot Housing (Single Family Residential Housing)
- East - RM3 – Low Density Multiple Unit Housing
- South - RM5 – Medium Density Multiple Unit Housing / RM1 – Four-Plex Housing
- West - RM3 – Low Density Multiple Unit Housing

6.0 Location Map





7.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has concerns with the cumulative site coverage on the site with this proposed addition. At 55%, the current site coverage of buildings, driveways, and parking areas already exceeds the maximum allowed in this RM3 zone. The maximum site coverage permitted in the RM3 – Low Density Multiple Housing zones is 50% including buildings, driveways and parking areas. The proposed addition to the site would increase coverage to 59%, which the Planning and Development Services Department considers excessive. The fact that the variance is for the purpose of increasing the lot coverage for a development that already features minimal useable open space; the garage addition will decrease the useable open space of the development for residents.

The proposed two-car garage is to be situated at the front of the subject property in front of the existing building, with the side building elevation facing Bernard Avenue. As such it offers little relationship to the street, a fact that is confirmed by the blank wall proposed on the proposed garage facing onto Bernard Avenue. The Planning and Development Services Department has recommended that windows be added to the proposal on both the side wall facing Bernard Ave. and the rear wall of the garage. It is felt these changes will improve the overall appearance of the structure and provide some indication of compliance with the City's Crime Prevention Through Environmental Design Guidelines.

8.0 ALTERNATE RECOMMENDATION

THAT Council authorise the issuance of Development Variance Permit No. 02-0071, Reiner Teschinsky, Lot 10, Section 19, TWP 26, Plan 427, located on Bernard Ave., Kelowna, B.C.;

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

Section 13: Specific Zone Regulations: Urban Residential Zones:

- Vary the Maximum Allowable Site Coverage (including buildings and driveways from 50% required to 59% proposed;
- Vary the Minimum Allowable Front Yard Setback from 6.0m required to 4.73m proposed;

AND THAT Council authorise the issuance of Development Permit No. 02-0024, Reiner Teschinsky, Lot 10, Section 19, TWP 26, Plan 427, located on Bernard Ave., Kelowna, B.C., for the construction of two attached single car garages subject to the following conditions:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

RWS
Attach.

FACT SHEET

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|--|---|
| 1. APPLICATION NO.: | DVP02-0071 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | Schoene, Prince Karl |
| . ADDRESS | 1531 Lawrence Ave |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 6M8 |
| 4. APPLICANT/CONTACT PERSON: | Teschinsky, Reiner |
| . ADDRESS | 1531 Lawrence Ave. |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 6M8 |
| . TELEPHONE/FAX NO.: | 763-3088 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | July 31, 2002 |
| Date Application Complete: | July 31, 2002 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to APC: | September 24, 2002 |
| 6. LEGAL DESCRIPTION: | LOT 10, SECTION 19, TOWNSHIP 26, Plan 427 |
| 7. SITE LOCATION: | South Side of Bernard Avenue west of Richmond, Central City Sector Plan |
| 8. CIVIC ADDRESS: | 1283 Bernard Ave. |
| 9. AREA OF SUBJECT PROPERTY: | 2945m" |
| 10. EXISTING ZONE CATEGORY: | RM3 - Low Density Multiple Unit Housing |
| 11. PURPOSE OF THE APPLICATION: | Seeking Development Permit To Allow The Addition Of Two Single Car Garages To Existing Building. Seeking Development Variance Permit To Vary The Maximum Site Coverage And To Vary Minimum Site Front Yard Requirement. |
| 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 and partial site plan
- Elevation