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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** October 3, 2002  
**File No.:** (3090-20) **DVP02-0081**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

DEVELOPMENT PERMIT APPLICATION OWNER: INTERIOR HEALTH  
NO. DVP02-0081 AUTHORITY

AT: 135 DAVIE ROAD APPLICANT: INTERIOR HEALTH  
AUTHORITY /  
NORM HATLEVIK

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO VARY THE EAST  
SIDE YARD SETBACK FROM 4.5 M REQUIRED TO 1.5 M  
EXISTING

EXISTING ZONE: P2 – EDUCATION AND MINOR INSTITUTIONAL

PROPOSED ZONE: P1 – MAJOR INSTITUTIONAL

REPORT PREPARED BY: PAUL McVEY

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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1.0 **RECOMMENDATION**

THAT Final Adoption of Zone Amending Bylaw No. 8907 be considered by the Municipal Council;

THAT Municipal Council authorize the issuance of Development Variance Permit No. DP02-0081; Interior Health Authority; Lot 14, Sec. 22, Twp. 26, O.D.Y.D., Plan 18085, located on Davie Road, Kelowna, B.C.;

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

**Section 16.1.5(e) Development Regulations**, minimum east side yard from 4.5 m required to 1.5 m existing.

## 2.0 SUMMARY

The applicant has applied to rezone the subject property to convert the existing building of an office use. This application for a Development Variance Permit has been made to address a non-conforming east side yard setback to the existing building.

As the outstanding issues relating to the rezoning application have been resolved, it is now appropriate for Council to consider this Development Variance Permit and final adoption of the associated Zone Amending bylaw.

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicant has recently made application to rezone the subject property from the existing P2 – Education and Minor Institutional zone to the P1 – Major Institutional zone to permit the interim re-use of the former seniors care home for office uses.

As part of the review process, it became apparent that the building setback on the east side of the existing building does not conform the P1 zone requirements of 4.5 m for an internal side yard setback.

The seniors care home located on the subject property was originally constructed in 1970's as a private care facility with 22 beds, and was operated as the "Mount View Manor". The original facility was developed at a time when the area was not part of the City of Kelowna, and was developed under the Regional District bylaws of the day. In the early 1980's, the facility was taken over by the Health Unit, and became known as the May Bennett Home. At the time that the original building was constructed, the east side yard setback conformed to the Regional District bylaws of the day.

The zone currently under application for the subject property requires a 4.5 m interior side yard setback. However, the existing building is located approximately 1.5 m off of the east property line.

This current application seeks a variance to the east side yard setback from the 4.5 m required to the 1.5 m currently existing.

The proposal as compared to the P1 zone requirements is as follows:

CRITERIA	PROPOSAL	P1 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	5,870 m <sup>2</sup>	660 m <sup>2</sup>
Site Width (m)	62 m	30.0 m
Site Coverage (%)	20 %	40% for Buildings 60% for Bldg and parking areas
Total Floor Area (m <sup>2</sup> )	1,200 m <sup>2</sup>	5,870 m <sup>2</sup> @ FAR = 1.0
F.A.R.	0.2	FAR = 1.0
Storeys (#)	1	13.5 m (3 storeys)
Setbacks (m)		
- Front (Highway 33)	13.4 m	6.0 m
- Front (Saskatoon Rd)	36 m	6.0 m
- Flanking Side	8.0 m	6.0 m for flanking
- East Side	1.5 m ❶	4.5 m
Parking Stalls (#) (office uses)	30 stalls required ❷ 28 stalls provided	2.5 per 100 m <sup>2</sup>
Loading Stalls (#)		1 per 2,800 m <sup>2</sup>

❶ Variance to reduce side yard setback from 4.5 m required to 1.5 m existing.

❷ It will be necessary to increase the size of the existing parking lot to 30 stalls as part of the proposed building renovations

### 3.2 Site Context

The original seniors home built in 1970 and operated as the “Mount View Home”. There have been several additions to the original building constructed in 1979, and 1989. The site is bounded by Highway 33 to the north, Davie Road to the west, and Saskatoon Road to the south. The subject property is generally flat, and is located approximately .5 to 1.5 m below the sidewalk level adjacent to Highway 33.

Adjacent zones and uses are, to the:

- North - RU1 – Large lot Housing / SFD uses  
P2 – Minor Institutional / Church uses
- East - RM5 – Medium Density Housing, (The Adderly)
- South - RU1 – Large lot Housing / SFD uses
- West - RM3 – Low Density Multiple Housing / townhouse uses

# SUBJECT PROPERTY MAP

#### 4.0 TECHNICAL COMMENTS

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

##### 4.1 Fire Department

As the nearest hydrant is across Hwy 33w and five lanes of traffic including the turn lane, a new hydrant should be installed at the driveway entrance.

##### 4.2 Inspection Services Department

No concerns.

##### 4.3 Works and Utilities Department

This application for a reduced side yard setback for the existing non-conforming structure does not compromise Works and Utilities servicing requirements.

The current site grading of the subject property appears adequate and does not adversely affect the adjacent properties.

#### 5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services does not have concerns with this application for a variance to permit a reduced side yard setback to the west property, as the building exists, and there is no change planned to the building footprint.

This end of the building has a substantial amount of mature vegetation. The mandoor located at this end of the building is only used for fire exit purposes, and is not used for regular access to the building.

In light of the above, the Planning and Development Service Department supports this application, and recommends for positive consideration by Council.

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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

PMc/pmc  
Attach.

**FACT SHEET**

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|---|---|
| 1. APPLICATION NO.:   | DVP02-0081  |
| 2. APPLICATION TYPE:  | Development Variance Permit   |
| 3. OWNER:<br>· ADDRESS<br>· CITY/POSTAL CODE  | Interior Health Authority<br>2180 Ethel St.<br>Kelowna, BC V1Y 3A1  |
| 4. APPLICANT/CONTACT PERSON:<br>· ADDRESS<br>· CITY/POSTAL CODE<br>· TELEPHONE/FAX NO.:   | Interior Health Authority /<br>Norm Hatlevik<br>1440 14 <sup>th</sup> Ave.<br>Vernon, BC V1B 2T1<br>(250)549-5730 / (250)549-5763 |
| 5. APPLICATION PROGRESS:<br>Date of Application:<br>Date Application Complete:<br>Servicing Agreement Forwarded to Applicant:<br>Servicing Agreement Concluded:<br>Staff Report to Council: | August 29, 2002<br>August 29, 2002<br>August 29, 2002<br>August 29, 2002<br>October 3, 2002                                       |
| 6. LEGAL DESCRIPTION:   | Lot 14, Sec. 22, Twp. 26, O.D.Y.D.,<br>Plan 18085   |
| 7. SITE LOCATION:   | East Side of Davie Road Between<br>Hwy 33 and Saskatoon Road  |
| 8. CIVIC ADDRESS:   | 135 Davie Road  |
| 9. AREA OF SUBJECT PROPERTY:  | 5,870 m <sup>2</sup>  |
| 10. TYPE OF DEVELOPMENT PERMIT AREA:  | N/A   |
| 11. EXISTING ZONE CATEGORY:   | P2 – Education and Minor Institutional  |
| 12. PROPOSED ZONE:  | P1 – Major Institutional  |
| 13. PURPOSE OF THE APPLICATION:   | To Seek A Development Permit To<br>Vary The East Side Yard Setback<br>From 4.5 M Required To 1.5 M<br>Existing                    |
| 14. DEVELOPMENT VARIANCE PERMIT<br>VARIANCES:   | <b>Section 16.1.5(e) Development<br/>Regulations</b> minimum east side yard<br>from 4.5 m required to 1.5 m existing              |
| 15. DEVELOPMENT PERMIT MAP 6.2<br>IMPLICATIONS  | N/A   |

Attachments

Subject Property Map

1 pages of site diagram