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## CITY OF KELOWNA

### MEMORANDUM

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**Date:** October 29, 2002  
**File No.:** DVP02-0091  
**To:** City Manager  
**From:** Planning and Development Services Department  
**Subject:**

APPLICATION NO. DVP02-0091                      OWNER: O'Brien, Alan  
AT: 799 Elliot, Kelowna, BC                      APPLICANT: O'Brien, Alan  
PURPOSE: TO VARY THE FRONTAGE FROM 18M REQUIRED TO 17.15M  
EXISTING FOR DUPLEX HOUSING  
EXISTING ZONE: RU6 – TWO DWELLING HOUSING  
REPORT PREPARED BY: RYAN SMITH

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

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#### 1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP02-0091; Alan O'Brien, Lot 5, District Lot 138, ODYD, Plan 4505;

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

Section 13: Specific Zone Regulations: RU6 – TWO DWELLING HOUSING

- Vary the frontage from 18 m required to 17.5 m existing for duplex housing.

#### 2.0 SUMMARY

The applicant is seeking to vary the frontage from 18.0m required to 17.15m existing for duplex housing on the subject property. The applicant wishes to construct a second single family dwelling on the south side of the double-fronting lot. This is a permitted use in the RU6 zone where the lot meets the requirements for duplex housing.

#### 3.0 BACKGROUND

##### 3.1 The Proposal

The applicant is seeking to vary the frontage from 18.0m required to 17.15 existing on the subject property. The applicant wishes to construct a second single family dwelling the south side of subject property, which is a double fronting lot. It is the second lot from the east end on the south side of Elliot Avenue, and the rear of the property fronts on Copeland Place. At the present time one single family dwelling exists on the site which is zoned RU6 – Two Dwelling Housing. A second detached housing unit would be permitted on the site should all the requirements for duplex housing be met. The applicant seeks to vary his frontage from the required width of 18.0m for a duplex to the existing width of 17.15m. This represents a relaxation of 0.85m. The applicant's neighbor to the east at 803 Elliot Avenue recently received a frontage relaxation through DVP02-0079.

The application compares to the requirements the City of Kelowna Urban Residential Zone Bylaw No. 8000 for RU6 zones as follows:

CRITERIA	PROPOSAL	RU6 REQUIREMENTS
Lot Area (m <sup>2</sup> )	765m <sup>2</sup>	700m <sup>2</sup> (min)
Lot Width (m)	17.15m <sup>①</sup>	18.0m(min)
Lot Depth (m)	45.34m	30.0(min)
Site Coverage Existing (Buildings and Driveways)(%)	29.3%	50%
Site Coverage Proposed (Buildings and Driveways)(%)	50%	50%
Total Floor Area (m <sup>2</sup> )		
-Existing Dwelling	121m <sup>2</sup>	N/A
-Proposed Dwelling	105m <sup>2</sup>	N/A
Storeys (#)	1	2.5
Setbacks (m)- Existing Dwelling		
- Front Yard	8m (approx.)	4.5m
- Side Yard East	2.0m	2.0m
- Side Yard West	3.9m	2.0m
- Rear Yard	N/A	N/A
Setbacks (m)- Proposed 2 <sup>nd</sup> Dwelling		
-Front Yard	6.0m	6.0m
-Side Yard East	2.57m	2.0m
-Side Yard West	2.0m	2.0m
-Rear Yard	N/A	N/A
Private Open Space (30m <sup>2</sup> /dwelling)	60m <sup>2</sup> (total)	60m <sup>2</sup>
Parking Spaces	4	4

**Notes:**

- ① The applicant is seeking to vary the frontage (lot width) from 18.0m required to 17.15m existing for duplex housing on the subject property.

### 3.2 Site Context

The subject property is located between Harvey and Springfield Avenues in the Central City Sector. It is a double fronting lot at the east end of Elliot Avenue between Elliot and Copeland Place. Much of the surrounding neighbourhood is zoned RU6 – Two Dwelling Housing with the exception of a large lot to the east that is zoned P2 – Education and Minor Institutional. The Roman Catholic Church occupies this lot.

Adjacent zones and uses are:

North - RU6 – Two Dwelling Housing – Existing Single Family Dwelling  
East - RU6 – Two Dwelling Housing – Existing Single Family Dwelling  
South - RU6 – Two Dwelling Housing – Existing Single Family Dwelling  
West - RU6 – Two Dwelling Housing – Existing Single Family Dwelling

### 3.3 Location Map

Subject Property: 799 Elliot Avenue



### 3.4 Existing Development Potential

The property is zoned RU6 – Two Dwelling Housing. The purpose of this zone is to provide for development of a maximum of two dwelling units in the form of single detached, duplex, or semi-detached housing with a secondary suite. A second single detached housing unit may be developed provided all the requirements for duplex housing are met. Secondary suites are identified as a secondary use in this zone.

Without a variance for the existing frontage, the applicants may still construct a secondary suite as an addition/accessory building on the subject property under the existing zoning.

#### 4.0 Current Development Policy

##### 4.1 Kelowna Official Community Plan

The proposal is consistent with the designation of Single/Two Family Residential in the Official Community Plan Future Land Use Designation. 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 use for two dwelling units, and complementary uses (OCP, Chapter 8). The OCP also encourages a focus towards achieving more efficient use of land within single detached neighbourhoods. The proposal is also consistent with this aim.

##### 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 with future urban areas” (Objective 1.1). The proposal is consistent with these objectives and with their accompanying strategies.

#### 5.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and no comments or concerns were expressed.

## 6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns with the proposed variance. The property in question is relatively unique in that it is a double fronting lot, with frontages on Elliot Avenue and Copeland Place. The plans submitted by the applicant initially showed insufficient parking to meet the zoning bylaw; however, the applicant has since revised the plans to show adequate parking to meet the zoning bylaw requirements. The future land use of the subject property is designated Single/Two Unit Residential which is consistent with the proposal. The applicant has submitted letters of support from the following addresses: 803 Elliot Avenue; 795A Elliot Avenue; 801/799 Copeland Place; 761 Copeland Place which have been attached to this report.

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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.:** DVP02-0091
2. **APPLICATION TYPE:** Development Variance Permit
3. **OWNER:** O'Brien, Alan  
· **ADDRESS** 1720 Canyon View Crescent  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1W 4A2
4. **APPLICANT/CONTACT PERSON:** O'Brien, Alan  
· **ADDRESS** 1720 Canyon View Crescent  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1W 4A2  
· **TELEPHONE/FAX NO.:** 764-6057
5. **APPLICATION PROGRESS:**  
Date of Application: October 3, 2002  
Date Application Complete: October 3, 2002  
Servicing Agreement Forwarded to Applicant: N/A  
Servicing Agreement Concluded: N/A  
Staff Report to APC: N/A
6. **LEGAL DESCRIPTION:** Lot 5, DL 138, ODYD, Plan 4505
7. **SITE LOCATION:** The subject property is located on the east end of Elliot Avenue, on the east side of Richter.
8. **CIVIC ADDRESS:** 799 Elliot Ave.
9. **AREA OF SUBJECT PROPERTY:** 765m<sup>2</sup>
10. **EXISTING ZONE CATEGORY:** RU6 – Two Dwelling Housing
11. **PURPOSE OF THE APPLICATION:** Vary the frontage from 18.0m required to 17.15m 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 and partial site plan
- Elevation