
CITY OF KELOWNA
MEMORANDUM

Date: December 20, 2002
File No.: (3060-20/3090-20) **DVP02-0095**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. DVP02-0095

OWNER: VINCENT & BRENDA
SPILAK

AT: 712 BERNARD AVENUE

APPLICANT: LYNN WELDER
CONSULTING

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY
WEST SIDE YARD SETBACK FROM 2.0 M REQUIRED TO THE
1.47 M SETBACK EXISTING AND TO VARY EAST SIDE YARD
SETBACK FROM 2.0 M REQUIRED TO THE 1.91 M SETBACK
EXISTING, AND
TO VARY THE SIGN BYLAW TO PERMIT A FREESTANDING
SIGN WITH A MAXIMUM SIGN AREA FROM 0.15 M²
PERMITTED TO 1.0 M² AND 1.7 M HEIGHT PROPOSED

EXISTING ZONE: RU6 – TWO DWELLING 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. DVP02-0095; Lynn Welder Consulting; Lot 2, Blk 2, SL 138, O.D.Y.D., Plan 202, located on Bernard Ave., Kelowna, B.C.;

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

Section 13.6.5(d) Development Regulations minimum side yard for west side yard be varied from minimum 2.0 m required to 1.47 m existing and for east side yard be varied from minimum 2.0 m required to 1.91 m existing.

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

Section 5.9.2 Signs For Home Based Business, major home based business sign, maximum size of sign be varied from 0.15 m² permitted to 1.0 m² proposed, and location be varied from attached to principal residence permitted be varied to allow a free-standing sign to a maximum of 1.7 m high.

2.0 SUMMARY

The applicant has made application for a Development Variance Permit to seek permission to vary the sideyard requirements to the existing building in order to construct a new veranda across the front of the existing dwelling located on the subject property. This application seeks to vary the required sideyard setbacks of the RU6 zone measured to the existing building, from the 2.0 m setback required, to the west side setback of 1.47 m from the property line and the east side setback of 1.91 m from the property line. As well, the applicant has made application to vary the sign bylaw to permit a 1.02 m² free-standing sign that is proposed to be 1.7 m high, while the maximum size sign permitted in the sign bylaw for a Home Based Business is 0.15 m² with no dimension greater than 610mm and must be attached to the principal residence.

2.1 Advisory Planning Commission

The above noted application (DVP02-0095) was reviewed by the Advisory Planning Commission at the meeting of November 12, 2002 and the following recommendation was passed:

That the Advisory Planning Commission supports Development Variance Permit Application No. DVP02-0095, 712 Bernard Avenue, Lot 2, Plan 202, Twp. 26, Sec. 19, ODYD, Lynn Welder Consulting Ltd. (Lynn Welder), to vary the west side yard setback from the 2.0 m required to the 1.47 m existing, and to vary the Sign Bylaw to vary the maximum sign area from the 0.15 m² permitted to the 1.0 m² proposed and 1.7 m high.

3.0 BACKGROUND

3.1 The Proposal

The dwelling constructed on the subject property was originally built in 1949 as a parsonage for what was the Christ Evangel Lutheran Church, located on the adjacent lot to the west (Lot 1, Plan 202). The dwelling was used by the church until the mid 1970's.

Since that time the neighbouring church building has become the French Cultural Centre, leaving the dwelling on the subject property to be sold.

The dwelling was originally constructed approximately 1.5 m from the west property line, where the current RU6 zone requires a minimum sideyard setback of 2.0 m. The applicant has made application for a Development Variance permit to reduce the required setback to 1.47 m for the west property line 1.91 m for the east property line to permit the construction of a veranda across the front of the building, flush with the exterior walls of the existing building. The proposed finishes for the railings suggest an older style of construction, and attempt to replicate details that are reminiscent of some of the other heritage homes located on Bernard Avenue.

The building is anticipated to be used as a home based business for a financial consultant. The applicant has made application for a Development Variance Permit to authorize a freestanding sign which is not attached to the principal residence and is

larger than the maximum size permitted for a home based business. The rationale submitted as part of the application notes that there are a number of other signs existing on Bernard Avenue that have been permitted as part of older bylaw provisions or associated with Heritage Revitalization Agreements. The prospective new owners of the subject property wish to be allowed to have a freestanding sign of a similar size to those that already exist along Bernard Avenue.

The proposal as compared to the RU6 zone requirements is as follows:

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Site Area (m ²)	668 m ²	400 m ² for single detached housing 700 m ² for semi-detached or duplex housing
Site Width (m)	15.24 m	13.0 m for single detached housing 18.0 m for semi-detached or duplex housing
Site Coverage (%)	23%	40% for buildings
Storeys (#)	1 ½ storey	2 ½ storeys (9.5m)
Setbacks (m)		
- Front	5.64 m	4.5 m
- Rear	23.1 m	7.5 m
- West Side	1.47 m	2.0 m for 1 or 1 ½ storey portion
- East Side	1.91 m	2.0 m for 1 or 1 ½ storey portion
Parking Stalls (#)	8 stalls existing	

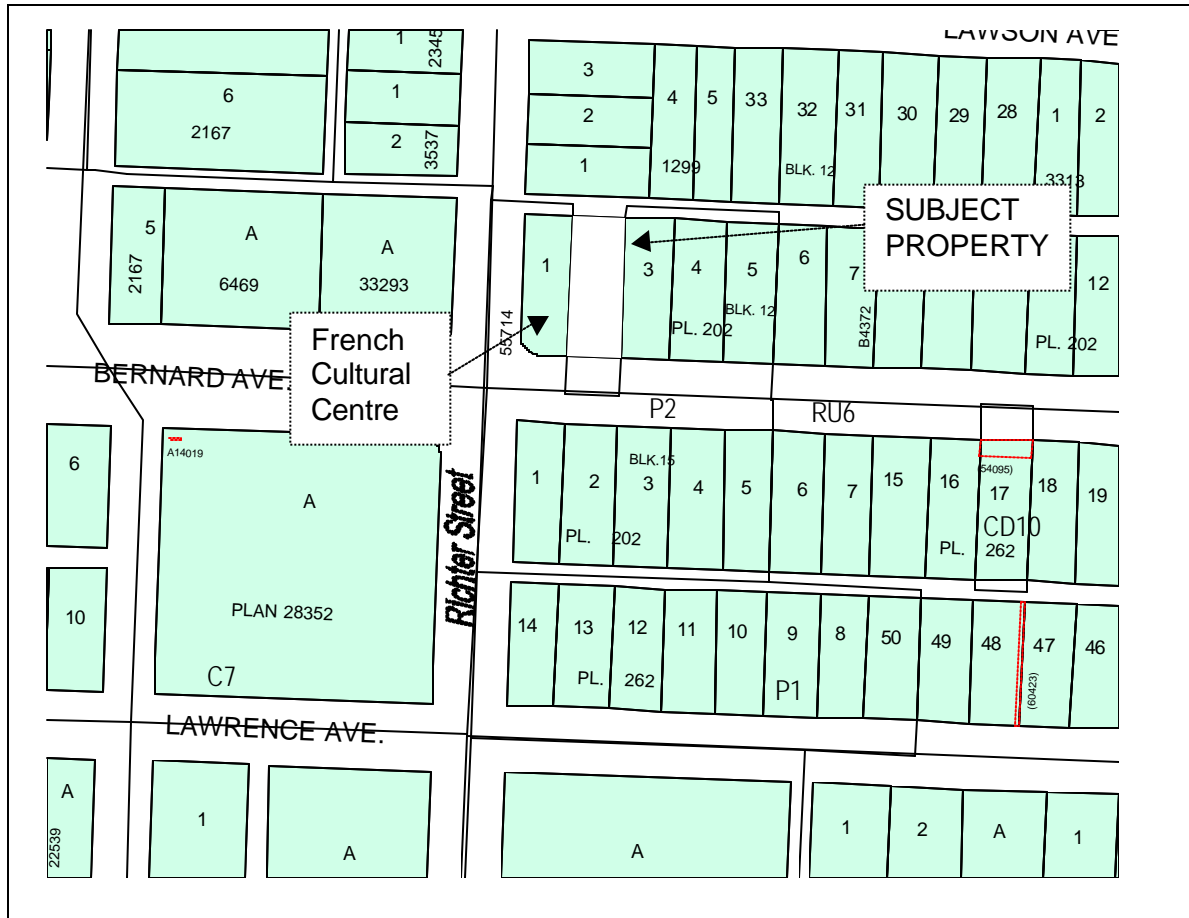
Note: Variances required; West side from 2.0 m required to 1.47 m existing
East side from 2.0 m required to 1.91 m existing

3.2 Site Context

The adjacent zone uses are as follows:

- North - RU6 – Two Dwelling Housing / residential uses
- East - P2 – Educational and Minor Institutional – Apartment building
- South - P2 – Educational and Minor Institutional – Bernard Avenue /
First United Church
- West - P2 – Educational and Minor Institutional – French Cultural Centre

Subject Property Map



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The Official Community Plan designates the future land use of the subject property as Multi-Family Residential – Medium Density (and associated uses).

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.

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

This department has no objection to this application.

4.2 Inspection Services Department

No concern with balcony variance.

4.3 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application are as follows:

1. Development Permit and Site Related Issues

- a) The variance permit application to reduce the side yard setback by 0.51 meters does not compromise Works and Utilities servicing requirements.
- b) The variance application to increase the sign size does not compromise Works and Utilities servicing requirements.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

Staff does not have concerns with the application for a Development Variance Permit to authorize reduced sideyard setbacks to the new veranda addition. The DVP will permit the ends of the new veranda to line up with the walls of the existing dwelling.

The DVP application to authorize a freestanding sign on the subject property as part of a homebased business could be considered reasonable, as there are several other existing freestanding signs located east of the subject property on both sides of Bernard Avenue, that had been approved by associated Heritage Revitalization Agreements or under older bylaws. The applicant has been advised that all other regulations regarding the Home Based Business will apply to the proposed use.

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

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.: | DVP02-0096 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | Vincent & Brenda Spilak |
| . ADDRESS | 2479 Whitworth Rd. |
| . CITY | Westbank, BC |
| . POSTAL CODE | V4T 1K4 |
| 4. APPLICANT/CONTACT PERSON: | Lynn Welder Consulting |
| . ADDRESS | 1791 Spruce Grove Crt. |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1V 1P3 |
| . TELEPHONE/FAX NO.: | 868-8304/868-8354 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | October 3, 2002 |
| Date Application Complete: | October 12, 2002 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | December 20, 2002 |
| 6. LEGAL DESCRIPTION: | Lot 2, Blk 2, SL 138, O.D.Y.D.,
Plan 202 |
| 7. SITE LOCATION: | North Side Bernard Avenue, East of
Richter St. |
| 8. CIVIC ADDRESS: | 712 Bernard Ave. |
| 9. AREA OF SUBJECT PROPERTY: | 668 m ² |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | N/A |
| 11. EXISTING ZONE CATEGORY: | RU6 – Two Dwelling Housing |
| 12. PURPOSE OF THE APPLICATION: | To Seek A Development Variance
Permit To Vary West Side Yard
Setback From 2.0 M Required To The
1.47 M Setback Existing and To Vary
East Side Yard Setback From 2.0 M
Required To The 1.91 M Setback
Existing, And
To Vary The Sign Bylaw To Permit A
Freestanding Sign With A Maximum
Sign Area From 0.15 M ² Permitted To
1.0 M ² And 1.7 M Height Proposed. |

**13. DEVELOPMENT VARIANCE PERMIT
VARIANCES:**

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

Section 13.6.5(d) Development Regulations minimum side yard for west side yard be varied from minimum 2.0 m required to 1.47 m existing and for east side yard be varied from minimum 2.0 m required to 1.91 m existing.

N/A

**14. VARIANCE UNDER DEVELOPMENT
PERMIT:**

**15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS**

N/A

Attachments

Subject Property Map
3 pages of site elevations / diagrams