
CITY OF KELOWNA

MEMORANDUM

Date: December 20, 2002
File No.: DVP02-0112 (3060-20/3090-20)

To: City Manager

From: Planning & Development Services Department

Purpose: To vary the requirement that access to the development is only permitted from the rear lane in order to allow direct access from Denali Court and to vary the required rear yard setback for those lots accessed only from the lane.

Owner: Emil Anderson
Construction Co. Ltd.; KDD Hldgs. Ltd.,
4036 Investments Ltd., M. Collinson

Applicant/Contact Person: Emil Anderson
Construction Co. Ltd./Mike Jacobs

At: Denali Drive and Denali Court

Existing Zone: RU1 – Large Lot Housing (Hillside Area) Zone

Prepared by: Shelley Gambacort

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0112, Emil Anderson Construction Co. Ltd.; Lots 29 – 50, Secs. 28 & 33, Twp. 26, ODYD, Plan KAP72143, located on Denali Drive and Denali Court, Kelowna, BC;

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

- a) Section 13.1.5(e) – minimum rear yard setback requirement for the RU1 – Large Lot Housing (Hillside Area): To vary the 7.5 m required minimum rear yard setback to allow for a minimum rear yard setback of 6.0 m, or a minimum 3.0 m for a garage or carport that has vehicular entry from the side for Lots 29 – 39, 44 – 50, Plan KAP72143;
- b) Section 13.1.6 (d), Access to RU1 - Large Lot Housing (Hillside Area): To vary the requirement restricting on-site access by way of the rear lane only, to allow vehicular access from Denali Court for Lots 40 – 43, Plan KAP72143.

2.0 SUMMARY

The applicant recently registered the 52-lot subdivision plan creating the subject properties that form part of the development referred to as Dilworth West, located north of Summit Drive. This Development Variance Permit is for Lots 29 - 50, which front on

Denali Drive and Denali Crescent. Specifically, Lots 29 – 39 and 44 – 50 all will be accessed only from the lane.

As a result, the homes will front on the lane with the rear of home orientated toward the street. Based on this orientation the applicant is requesting that the setback of the lane be treated as a front yard setback, which necessitates the development variance application. For Lots 40 – 43, the only access will be off of Denali Court, as physical access from the lane is not feasible given the topographic conditions, which necessitates a second development variance request.

3.0 BACKGROUND

3.1 The Proposal

The Planning & Development Services Department is in the process of fine tuning the hillside zone requirements to better address the development conditions that exist within the RU1h and RU2h hillside zone designations. As a result of this process, the recommended changes will form part of a general text amendment application to be presented to Council by the spring of 2003. However, as the development of the subject properties will likely occur prior to Council's consideration of the general text amendments, the applicant has submitted a Development Variance Permit to address the building siting and vehicular access for the subject properties.

The Variances being proposed are as follows:

- a) To vary the 7.5 m required minimum rear yard setback to allow for a rear yard setback of 6.0 m, or 3.0 m for a garage or carport that has vehicular entry from the side, for Lots 29 – 39, 44 – 50, Plan KAP72143.

Given the topographic constraints associated with hillside development, it is common for the lane to serve as the only vehicular access. In these circumstances it would be appropriate that the front yard setbacks be applied to the yard abutting the lane and the rear yard setbacks be applied to the yard abutting the street.

- b) To vary the requirement restricting on-site vehicular access by way of the rear lane only, to allow vehicular access from Denali Court. Lots 40 – 43 are the uphill lots and vehicular access is only available from Denali Court due to topographic conditions.

In hillside development it is generally the purpose of a lane to provide vehicular access to the lots on the downhill side of the lane while vehicular access from the lane to the lots on the uphill side is usually not feasible as a result of the topographic conditions. However, the zoning bylaw currently restricts on-site vehicular access to lots with lane access, to the rear lane only. Therefore, the applicant is requesting the variance to allow for vehicular access from Denali Court for Lots 40 – 43.

3.2 Site Context

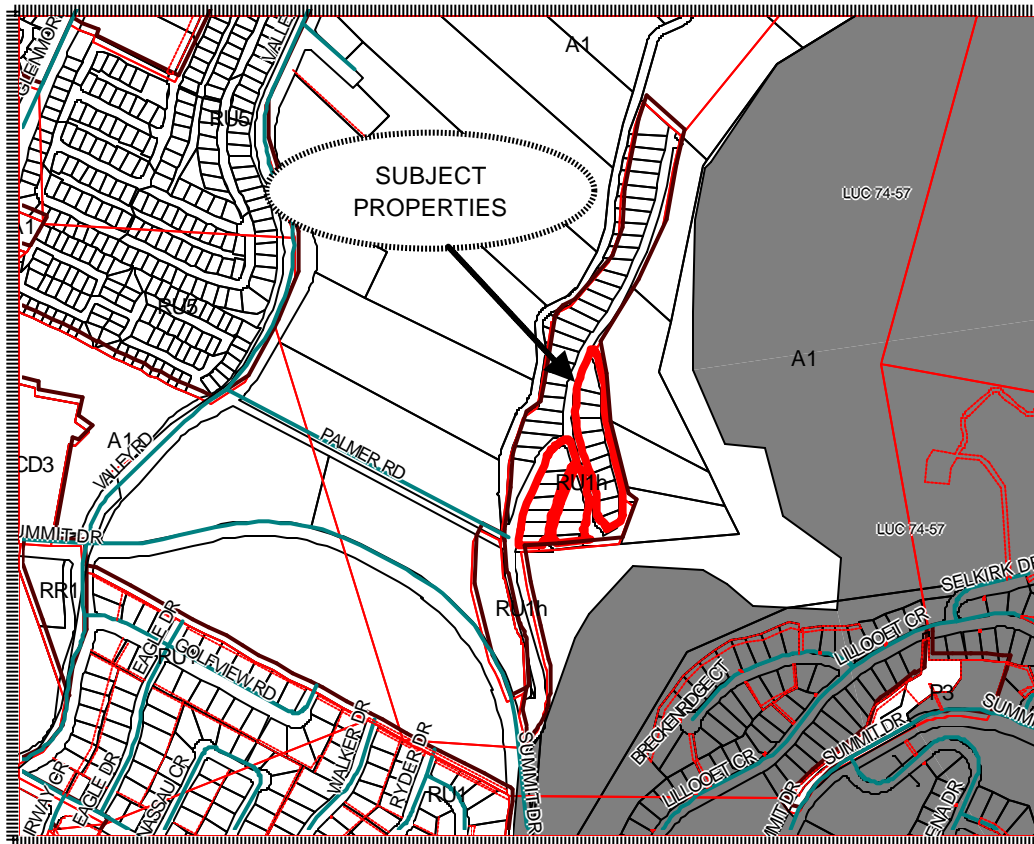
The subject properties are located north of Summit Drive, on Denali Drive and Denali Court.

The adjacent zone and uses are as follows:

- North - RU1h – Large Lot Housing (hillside area) and A1 – Agriculture 1; single family residential and future low density multi-family
- East - A1 – Agriculture; future low density multi-family

South - RU1h – Large Lot Housing (hillside area) and A1 – Agriculture 1; single family residential and future low density multi-family
West - RU1h – Large Lot Housing (hillside area); single family residential

3.2.1. Site Location Map



3.3 Current Development Policy

3.3.1 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the Strategic Plan objective of developing a more compact urban form by increasing densities through infill and redevelopment within existing urban areas and to provide for higher densities within future urban areas.

3.3.2 Kelowna Official Community Plan (1995 –2013)

The RU1h – Large Lot Housing (hillside area) zone is consistent with the Official Community Plan for Single/Two Family Residential.

4.0 TECHNICAL COMMENTS

4.1 Inspection Services

No comment.

4.2 Works & Utilities

No comment.

5.0 PLANNING COMMENTS

The Planning and Development Services Department has reviewed this application and have no concerns with the requested variances as it is the intention that the Zoning Bylaw No. 8000 be amended to address these specific development conditions.

Bob Shaughnessy
Subdivision Approving Officer

Approved for inclusion

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

BS/SG/sg

Attachments

FACT SHEET

- | | |
|---|--|
| 1. APPLICATION NO.: | DVP02-0112 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNERS: | Emil Anderson Construction Co. Ltd.;
KDD Hldgs. Ltd., 4036 Investments Ltd.,
M. Collinson |
| . ADDRESS | 907 Ethel Street |
| . CITY/ POSTAL CODE | Kelowna, BC V1Y 2W1 |
| 4. APPLICANT/CONTACT PERSON: | Emil Anderson Construction Co.
Ltd./Mike Jacobs |
| . ADDRESS | 907 Ethel Street |
| . CITY | Kelowna, BC V1Y 2W1 |
| . TELEPHONE/FAX NO.: | 762-9999/762-6171 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | December 4, 2002 |
| Date of report to Council: | December 19, 2002 |
| 6. LEGAL DESCRIPTION: | Lots 29 – 50, Secs. 28 & 33, Twp. 26,
ODYD, Plan KAP72143 |
| 7. SITE LOCATION: | North of Summit Drive, Denali Drive &
Denali Court |
| 8. CIVIC ADDRESSES: | 619 - 669 Denali Drive, 635 – 662
Denali Court |
| 9. EXISTING ZONE CATEGORY: | RU1h – Large Lot Housing (hillside
area) |
| 10. PURPOSE OF THE APPLICATION: | To vary the requirement that access to
the development is only permitted from
the rear lane in order to allow direct
access from Denali Court and to vary
the required rear yard setback for those
lots accessed only from the lane |
| 11. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |

Attachments

(Not attached to the electronic copy of the report)

Location Map
Subdivision Plan