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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** August 20, 2003  
**File No.:** DVP03-0091

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

**APPLICATION NO.** DVP03-0091      **OWNER:** Christopher and David Janko

**LOCATION:** 892 Paret Road      **APPLICANT:** Christopher and David Janko

**PURPOSE:** VARY SIDE YARD FROM FROM 1.8M REQUIRED TO 1.5M

**EXISTING ZONE:** RU2 – LARGE LOT HOUSING

**REPORT PREPARED BY:** RYAN SMITH

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

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**1.0      RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP03-0091; Lot A, District Lot 579, SDYD, Plan KAP71670, located on Paret Road, Kelowna, B.C.;

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

Section 13.2: Medium Lot Housing: Subsection 13.2.5(d):

Vary side yard setback from 1.8m required to 1.5m proposed.

**2.0      SUMMARY**

The applicant is requesting to vary the required side yard setback from 1.8m required to 1.5m proposed for the construction of a single family dwelling in a new subdivision on Paret Road referred to as Mission Hollows.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The applicant is seeking a development variance permit to reduce the western side yard setback from 1.8m required in the RU2 – Medium Lot Housing Zone to 1.5m for the construction of a single family dwelling.

The application compares to the requirements the City of Kelowna Zoning Bylaw No. 8000 for the RU2 – Medium Lot Housing zone as follows:

CRITERIA	PROPOSAL	RU2 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	694m <sup>2</sup>	400m <sup>2</sup>
Lot Width	15m	13.0m
Lot Depth	47m	30.0m
<b>Setbacks</b>		
Front Yard	6.0m	6.0m
Rear Yard	25m	6.0m
Eastern Side Yard	1.8m	1.8m
Western Side Yard	1.5m	1.8m

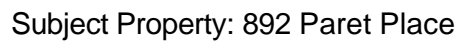
❶Note:

#### Site Context

The subject property is located on the north side of Paret Road east of Barnaby Road.

Adjacent zoning and existing land uses are to the:

- North - RU2 – Medium Lot Housing – Single Family Dwelling
- East - RU2 – Medium Lot Housing – Single Family Dwelling
- South - RU2 – Medium Lot Housing – Single Family Dwelling
- West - RU1 – Large Lot Housing – Single Family Dwelling



4.0 TECHNICAL COMMENTS

4.1 Inspection Services Department

No concerns. The 1st storey setback is required to be 1.5 m, the second storey portion shall be 1.8 m. With the walkway on that side of the lot the 0.3 m encroachment of the 2nd storey will not effect the neighboring property. This is not a normal side yard situation.

4.2 Works and Utilities Department

No concerns.

5.0 PLANNING AND CORPORATE SERVICES COMMENTS

The Planning and Corporate Services Department has no concerns with the proposed development variance permit. The proposed variance is relatively minor in nature and does directly affect the neighboring property due to the separation of the two properties by a walkway. The neighbours at 898 Paret Road, 888 Paret Road have provided written support for the proposed variance.

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Bob Shaughnessy  
Approving Officer

Approved for inclusion

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

RM/AB/rs  
Attach.

**FACT SHEET**

15.	APPLICATION NO.:	DVP03-0091
15.	APPLICATION TYPE:	Development Variance Permit
3.	OWNER:	Christopher and David Janko
	. ADDRESS	1353 Flemish Street
	. CITY	Kelowna, BC
	. POSTAL CODE	V1Y 3R8
4.	APPLICANT/CONTACT PERSON:	Christopher and David Janko
	. ADDRESS	1353 Flemish Street
	. CITY	Kelowna, BC
	. POSTAL CODE	V1Y 3R8
	. TELEPHONE/FAX NO.:	862-5741
5.	APPLICATION PROGRESS:	
	Date of Application:	August 5, 2003
	Date Application Complete:	August 5, 2003
	Servicing Agreement Forwarded to Applicant:	N/A
	Servicing Agreement Concluded:	N/A
	Staff Report to APC:	N/A
	Staff Report to Council:	September 16, 2003
15.	LEGAL DESCRIPTION:	Lot A, District Lot 579, SDYD, Plan KAP71670
15.	SITE LOCATION:	The subject property is located on the north side of Paret Road east of Barnaby Road.
15.	CIVIC ADDRESS:	892 Paret Road
15.	AREA OF SUBJECT PROPERTY:	694m <sup>2</sup>
15.	EXISTING ZONE CATEGORY:	RU2
15.	TYPE OF DEVELOPMENT PERMIT AREA:	N/A
15.	PURPOSE OF THE APPLICATION:	Vary side yard setback.
15.	MIN. OF TRANS./HIGHWAYS FILES NO.:	N/A
	NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY	
15.	DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS	N/A

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Subject Property Map
- Survey Plan of site
- Floor Plan of proposed dwelling
- Elevations