
CITY OF KELOWNA
MEMORANDUM

Date: November 10, 2003
File No.: DVP03-0138

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DVP03-0138 **OWNER:** Denise & Annie Heinrichs

AT: 3721 Mission Springs Drive, **APPLICANT:** Paul Heinrichs
Kelowna, BC

PURPOSE: A VARIANCE TO ALLOW A FRONT YARD SETBACK OF 5.67 METRES
WHERE 6.0 METRES IS REQUIRED FROM A GARAGE OR CARPORT
HAVING VEHICULAR ENTRY FROM THE FRONT.

EXISTING ZONE: RU2- Medium Lot Housing

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council not authorize the issuance of Development Variance Permit No. DVP03-0137 for Lot 5, DL 134, ODYD, Plan 41844, located on Mission Springs Drive, Kelowna, B.C.

2.0 SUMMARY

The applicant is seeking a variance to allow a front yard setback of 5.67 metres where 6.0 metres is required from a garage or carport having vehicular entry from the front. The applicant is proposing a four foot addition to the existing garage in order to facilitate boat storage.

2.0 BACKGROUND

The applicant is seeking a variance to allow a front yard setback of 5.67 metres where 6.0 metres is required from a garage or carport having vehicular entry from the front. The applicant is proposing a four foot addition to the existing garage. The addition results in the projection of the garage 0.33 metres into the required front yard.

3.1 The Proposal

The application compares to the requirements the City of Kelowna Bylaw No. 8000 for RU2 zone as follows:

CRITERIA	PROPOSAL	RU2 ZONE REQUIREMENTS
Lot Area (m ²)	569m ²	400.0m ²
Lot Width (m)	16.0 m	13.0m
Lot Depth (m)	35.0 m	30.0m
Site Coverage (%)	26.5% 34.7%	40% (buildings) 50% (with driveway and parking)
Height	2 storey	2.5 storeys or 9.5m
Setbacks		
-Front	5.67m ❶	6.0m driveway
-Rear	12.35m	7.5m
- Side (north)	2.1m	1.5 m to 1-1.5 storey
- Side (south)	2.1m	1.8 m to 2 storey
Parking Spaces (Total)	3	2

Notes:

❶ The applicant is seeking to a development variance permit to allow a front yard setback of 5.67 metres where 6.0 metres is required.

3.2 Site Context

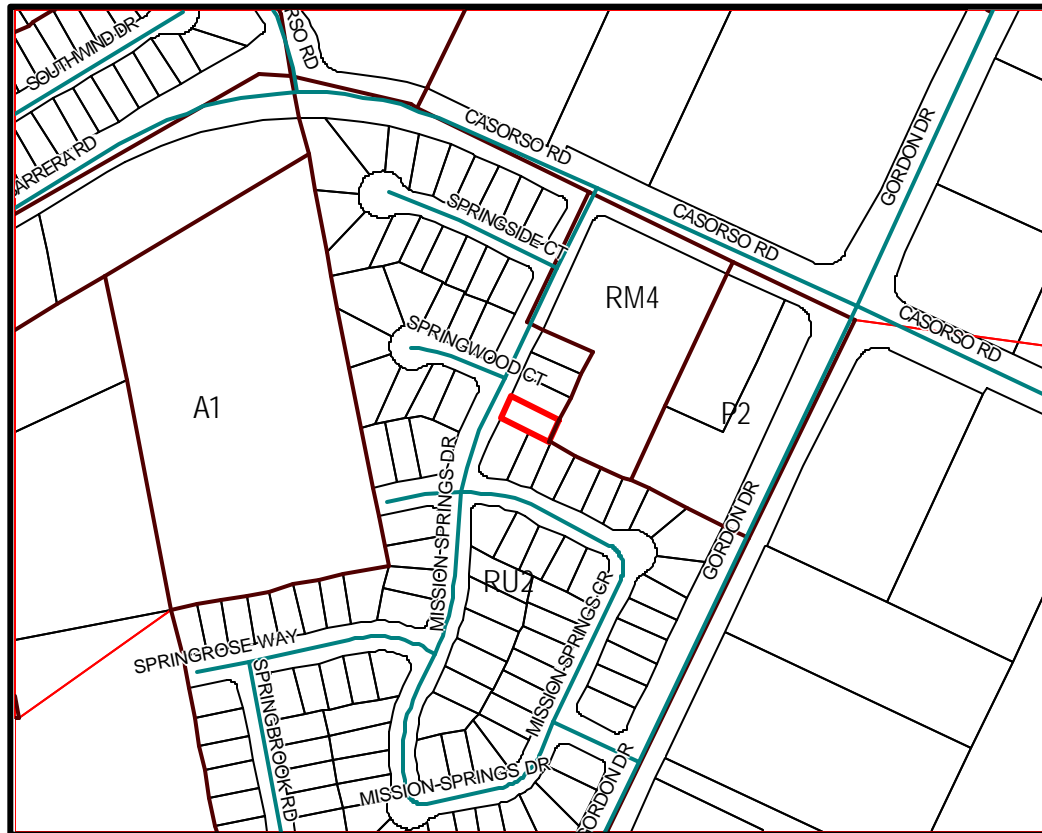
The subject property is located on Mission Springs Drive between Casorso Road and Mission Springs Crescent.

Adjacent zones and uses are:

- North - RU2- Medium Lot Housing
- East - RU2- Medium Lot Housing
- South - RU2- Medium Lot Housing
- West - RM4 – Transitional Low Density Housing

3.3 Location Map

Subject Property: 3721 Mission Springs Drive



3.4 Existing Development Potential

The property is zoned RU2 – Medium Lot Housing. The purpose of this zone is to provide for single detached housing as a principal use, and compatible secondary uses, such as bed and breakfast homes, minor care centres and group homes, as well as home based businesses, on larger serviced urban lots. Secondary suites are permitted on lots with RU2s – Medium Lot Housing with Secondary Suite zoning.

3.5 Current Development Policy

3.5.1 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 used for two dwelling units, and complementary uses (OCP, Chapter 15).

3.5.2 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 within future urban areas” (Objective 1.1).

5.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments and the following comments or concerns were expressed:

- 5.1 Works and Utilities
The requested variance does not compromise Works & Utilities requirements.
- 5.2 Inspections Services
No concerns.
- 5.3 Fire Department
No comments.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Staff are not supportive of the proposed variance. Staff feel that there is no good planning rationale as to why the variance to the front yard setback should be supported. Staff, however, acknowledge that the adjacent neighbours have submitted letters of support for the proposed variance. In addition, the variance may result in encroachment of a vehicle parked in the driveway to encroach slightly beyond the front property line. However, there is sufficient setback to the sidewalk which would allow a vehicle to park in the driveway without encroaching onto the sidewalk.

7.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP03-0137 for Lot 5, DL 134, ODYD, Plan 41844, located on Mission Springs Drive, Kelowna, B.C.

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.2.5 (c) Front Yard Setback

- A variance to allow a front yard setback of 5.67 metres where 6.0 metres is required from a garage or carport having vehicular entry from the front.

AND THAT the issuance of the Development Variance Permit be subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "A";

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Andrew Bruce
Development Services Manager

Approved for inclusion

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

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Attach.

FACT SHEET

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|---|--|
| 1. APPLICATION NO.: | DVP03-0138 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | Denise & Annie Heinrichs |
| . ADDRESS | 3721 Mission Springs Drive |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 3L8 |
| 4. APPLICANT/CONTACT PERSON: | Paul Heinrichs |
| . ADDRESS | 3721 Mission Springs Drive |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 3L8 |
| . TELEPHONE/FAX NO.: | 862-4822 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | October 23, 2003 |
| Date Application Complete: | October 23, 2003 |
| Servicing Agreement Forwarded to Applicant: | n/a |
| Servicing Agreement Concluded: | n/a |
| Staff Report to APC: | n/a |
| 6. LEGAL DESCRIPTION: | Lot 5, DL 134, ODYD, Plan 41844 |
| 7. SITE LOCATION: | On Mission Springs Drive between Casorso Drive and Mission Springs Crescent |
| 8. CIVIC ADDRESS: | 3721 Mission Springs Drive |
| 9. AREA OF SUBJECT PROPERTY: | 569 m ² |
| 10. EXISTING ZONE CATEGORY: | RU2- Medium Lot Housing |
| 11. PURPOSE OF THE APPLICATION: | A VARIANCE TO ALLOW A FRONT YARD SETBACK OF 5.67 METRES WHERE 6.0 METRES IS REQUIRED FROM A GARAGE OR CARPORT HAVING VEHICULAR ENTRY FROM THE FRONT. |
| 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
- Air Photo
- Site Plan
- Floor Plans
- Letters from Neighbours