
CITY OF KELOWNA

MEMORANDUM

Date: October 29, 2003
File No.: DVP03-0115

To: City Manager

From: Planning & Corporate Services Department

Subject:

APPLICATION NO. DVP03-0115 **OWNER:** Ryan Peterson

LOCATION: 2184 Aberdeen Street **APPLICANT:** Paul Warren (Homequest Construction)

PURPOSE: TO VARY THE SIDE YARD SETBACK FROM 2.0M REQUIRED TO 1.5M PROPOSED FOR AN ACCESSORY BUILDING WITH SECONDARY SUITE THAT WAS INCORRECTLY SITED AND EXTENDS INTO THE REQUIRED SIDE YARD

EXISTING ZONE: RU6- TWO DWELLING HOUSING

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP03-0115; Lot 34, Section 29, Township 26, ODYD Plan 1172, located on Aberdeen Street, Kelowna, B.C.;

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

Section 13.6: RU6 – Two Dwelling Housing: Subsection 13.6.5(d):

Vary the rear yard setback from 2.0m required to 1.5m proposed (existing).

2.0 SUMMARY

The applicant is seeking to vary the southern side yard setback from 2m required in the RU6 – Two Dwelling housing zone to 1.5m proposed (existing).

3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of October 21st, 2003 it was resolved:

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP03-0115, 2184 Aberdeen Street/Lot 34, Plan 1172, Sec. 29, Twp. 26, ODYD, by Homequest Construction Ltd (Paul Warren), to obtain a Development Variance Permit to vary the side yard setback for an accessory building with a secondary suite from the 2.0 m permitted

to the 1.5 m existing subject to an opaque window on the south elevation of the accessory building; subject to the neighbours fence adjacent to the south boundary being relocated along the south property line; and subject to the provision of landscaping on the neighbours side of the fence.

4.0 BACKGROUND

4.1 The Proposal

The applicant is seeking to vary the side yard setback from 2.0m required in the RU6 – Two Dwelling housing zone to 1.5m proposed (existing). The applicant was in the process of constructing an accessory building (and secondary suite) when it was discovered that the survey used was incorrect and that the foundation poured by the applicant did not meet the 2.0m side yard setback bylaw requirement.

The application compares to the requirements the City of Kelowna Bylaw No. 8000 for RU6-Two Dwelling Housing zone as follows:

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Site Area (m ²)	520m ²	400m ²
Lot Width	14.63m	13.0m
Lot Depth	35.87m	30.0m
Lot Coverage	27%	40%
Setbacks		
Setback from House	11m	5m
Side Yard (accessory)(n)	4.32m	2m
Side Yard (s) (accessory)	1.5m ❶	2m
Rear Yard (accessory)	2.5m	1.5

❶Note: Applicants are seeking to vary the southern side yard setback.

Site Context

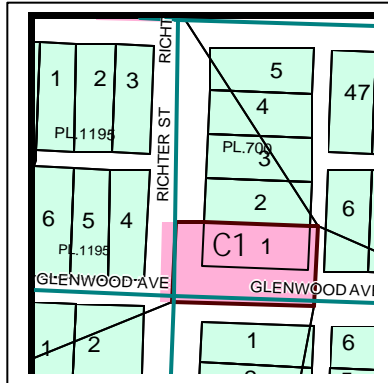
The subject property is located on the western side of Aberdeen Street between Glenwood Avenue and Rose Avenue.

Adjacent zoning and existing land uses are to the:

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

Site Map

Subject Property: 2184 Aberdeen Street



5.0 TECHNICAL COMMENTS

5.1 Works and Utilities Department

No concerns.

5.2 Inspection Services Department

No concerns.

5.3 Shaw Cable

Owner/developer to supply a bound conduit system as per Shaw Cable drawings & specifications.

**SUBJECT
PROPERTY**

6.0 PLANNING AND CORPORATE SERVICES COMMENTS

The Planning and Corporate Services Department has no concerns with the proposed variance however the applicant's neighbour that is affected by the proposed variance (lot 33, plan 1172) does not support the proposal. For this reason the Planning and Corporate Services Department forwarded the application to the Advisory Planning Commission for review. The applicant has submitted seven letters of support from adjacent property owners (no addresses supplied).

Staff support this application subject to the applicant adopting the recommendations of the Advisory Planning Commission to mitigate the effects of the side yard variance on the abutting neighbor.

Andrew Bruce
Development Services Manager

Approved for inclusion

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

RM/AB/rs
Attach.

FACT SHEET

- | | |
|---|---|
| 15. APPLICATION NO.: | DVP03-0115 |
| 15. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | Ryan Peterson |
| . ADDRESS | 4082 Lempky Road |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 4E2 |
| 4. APPLICANT/CONTACT PERSON: | Paul Warren |
| . ADDRESS | 4877 Canyon Ridge Cr. |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 4A2 |
| . TELEPHONE/FAX NO.: | 764-4022 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | September 26, 2003 |
| Date Application Complete: | September 26, 2003 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to APC: | October 21, 2003 |
| Staff Report to Council: | December 8, 2003 |
| 15. LEGAL DESCRIPTION: | Lot 34, Section 29, Township 26, ODYD Plan 1172 |
| 15. SITE LOCATION: | The subject property is located on the western side of Aberdeen Street between Glenwood Avenue and Rose Avenue. |
| 15. CIVIC ADDRESS: | 2184 Aberdeen Street |

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| 15. AREA OF SUBJECT PROPERTY: | 520m ² |
| 15. EXISTING ZONE CATEGORY: | RU6- Two Dwelling Housing |
| 15. TYPE OF DEVELOPMENT PERMIT AREA: | N/A |
| 15. PURPOSE OF THE APPLICATION: | TO VARY THE SIDE YARD SETBACK FROM 2.0M
REQUIRED TO 1.5M PROPOSED FOR AN
ACCESSORY BUILDING WITH SECONDARY
SUITE THAT WAS INCORRECTLY SITED AND
EXTENDS INTO THE REQUIRED SIDE YARD |
| 15. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | N/A |
| 15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |

ATTACHMENTS

(not attached to the electronic version of the report)

- Subject Property Map
- Site Plan
- Elevations

