
CITY OF KELOWNA

MEMORANDUM

Date: November 24, 2003

File No.: DVP03-0163

To: City Manager

From: Planning & Development Services Department

Purpose: To vary the 7.5 m required minimum rear yard setback to allow for a rear yard setback of 6.0 m, or 4.5 m for a garage or carport that has vehicular entry from the side and to require a minimum front yard setback of 7.5 m, for Lots 1-14, Plan KAP74312

Owner/Applicant: Hilltop Sand & Gravel Co. Ltd. **Contact Person:** Lloyd Nestman

At: Almandine Court

Existing Zone: RU1 – Large Lot Housing 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. DVP03-0163, Hilltop Sand & Gravel Co. Ltd.; Lots 1 - 14, DL 357, SDYD, Plan KAP74312 located on Almandine Court, Kelowna, BC;

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

- a) Section 13.1.5(c) – minimum front yard setback requirement for the RU1 – Large Lot Housing: To vary the required minimum front yard setback of 4.5 m (6.0 m for a garage or carport that has vehicular entry from the front) to be 7.5 m.
- b) Section 13.1.5(e) – minimum rear yard setback requirement for the RU1 – Large Lot Housing: To vary the required minimum rear yard setback of 7.5 m to be 4.5 m, or a minimum 6.0 m for a garage or carport that has vehicular entry from the front.

2.0 SUMMARY

The applicant recently registered a 34-lot subdivision plan creating the subject properties that form part of the *The Quarry* development, located between Barnaby Road and Frost Road. This Development Variance Permit is for Lots 1-14 which front on Almandine Court but have vehicular access 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. The developer, as part of the Building Scheme associated with the development is requiring that both the street elevation and the lane elevation have the appearance of being the front of the house.

3.0 BACKGROUND

3.1 The Proposal

The Planning & Development Services Department is in the process of fine-tuning the hillside area requirements to better address the development conditions that exist within these areas. As a result of this process, the recommended changes will form part of a general text amendment application currently being processed. 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 for the subject properties.

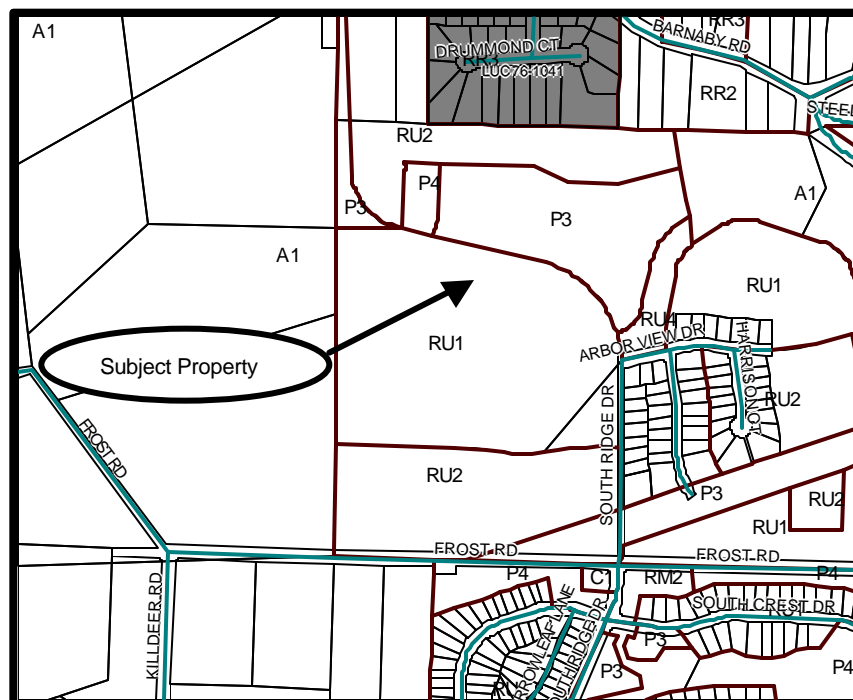
The Variances being proposed are as follows:

- a) To vary the 7.5 m required minimum rear yard setback to allow for a rear yard setback of 6.0 m, or 4.5 m for a garage or carport that has vehicular entry from the side and to require a minimum front yard setback of 7.5 m, for Lots 1-14, Plan KAP74312.

For development within a Hillside Area¹ 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.

3.2 Site Context

The subject properties are part of the Quarry Development located between Barnaby Road and Frost Road.



1. Hillside Area is defined in Zoning Bylaw No. 8000 as land in its natural state having a slope angle of 10% and greater for a height of 6 metres or more.

The adjacent zone and uses are as follows:

- North - RU1 – Large Lot Housing and P3 – Parks & Open Space; new single family residential development and future park site
- East - RU4 – Low Density Cluster Housing and RU1 – Large Lot Housing; single family and vacant
- South - RU1 – Large Lot Housing; future single family development
- West - A1 – Agriculture; rural

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 RU1 – Large Lot Housing 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 variance, 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

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|---|--|
| 1. APPLICATION NO.: | DVP03-0063 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER/APPLICANT/CONTACT PERSON: | Hilltop Sand & Gravel Co. Ltd./Lloyd Nestman |
| . ADDRESS | 611 Barnaby Road |
| . CITY/ POSTAL CODE | Kelowna, BC V1W 4N7 |
| . TELEPHONE/FAX NO.: | 764-4694/764-4693 |
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| 5. APPLICATION PROGRESS: | |
| Date of Application: | November 20, 2003 |
| Date of report to Council: | November 24, 2003 |
| 6. LEGAL DESCRIPTION: | Lots 1 - 14, DL 357, SDYD, Plan KAP74312 |
| 7. SITE LOCATION: | Between Barnaby Road and Frost Road on Almandine Court |
| 8. CIVIC ADDRESSES: | Almandine Court |
| 9. EXISTING ZONE CATEGORY: | RU1 – Large Lot Housing |
| 10. PURPOSE OF THE APPLICATION: | To vary the 7.5 m required minimum rear yard setback to allow for a rear yard setback of 6.0 m, or 4.5 m for a garage or carport that has vehicular entry from the side and to require a minimum front yard setback of 7.5 m, for Lots 1-14, Plan KAP74312 |
| 11. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | N/A |

Attachments

(Not attached to the electronic copy of the report)

- Location Map
- Plan of Subdivision