
CITY OF KELOWNA

MEMORANDUM

Date: January 28, 2004

File No.: DVP03-0152

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DVP03-0152

OWNER: George Kasdorf

**AT: 988 Wilson Avenue
(Lots 59 and 60)**

APPLICANT: George Kasdorf

PURPOSE: TO REMOVE THE EXISTING SINGLE FAMILY DWELLING WHICH SITS ASTRIDE TWO LOTS IN ORDER TO CONSTRUCT NEW SINGLE DETACHED DWELLINGS WITH SECONDARY SUITES IN ACCESSORY BUILDINGS ON EACH LOT;

TO VARY THE PARKING LOCATION REQUIREMENTS ON LOT 60 TO ALLOW PARKING IN A REQUIRED FRONT YARD;

TO VARY THE REAR (FRONT) YARD SETBACK ON LOT 60 FROM 6.0M REQUIRED (TO A GARAGE) TO 4.5M PROPOSED

TO VARY THE REQUIRED SIDE YARD SETBACK (EAST SIDE) ON LOT 59 FROM 4.5M REQUIRED TO 2.93M PROPOSED AND FROM 6.0M REQUIRED (GARAGE) TO 2.93M PROPOSED;

TO VARY THE REQUIRED SIDE YARD SETBACK (WEST SIDE) FROM 2.0M REQUIRED TO 0.67M PROPOSED

TO VARY THE MINIMUM PERMITTED SIZE FOR A PARKING STALL FROM 6.0M REQUIRED TO 4.5M PROPOSED FOR 3 STALLS ON LOT 60. VARY MAXIMUM NUMBER OF SMALL CAR STALLS FROM 40% PERMITTED TO 100% PROPOSED ON LOT 60.

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP03-0152; Lots 59 and 60, District Lot 138, ODYD Plan 1102 located on Wilson Avenue, Kelowna, B.C.;

2.0 SUMMARY

The applicant is seeking to remove the existing single family dwelling which sits astride two lots and replace it with a new single family dwelling with secondary suite in accessory building on each lot. Due to the size of the corner lot (lot 59), several variances are necessary in order to construct a single family house on this lot. The applicant is also seeking a variety of other variances to address parking setbacks, parking stall size, and a front yard setback.

3.0 BACKGROUND

One single family dwelling currently sits astride the lot line which separates lots 59 and 60.

3.1 The Proposal

The applicant is seeking to remove the existing single family dwelling which sits astride two lots and replace it with a new single family dwelling with secondary suite in accessory building on each lot. Due to the size of the corner lot (lot 59), several variances are necessary in order to construct a single family house on this lot.

The applicant is seeking to construct a new single family dwelling with secondary suite in an accessory building on each of the subject properties. The properties are currently zoned RU – Two Dwelling Housing, however, do not conform to today's zone standard for lot width.

The applicant is requesting variances for the following:

- To vary the parking location requirements on lot 60 to allow parking in a required front yard.
- To vary the rear (front) yard setback on Lot 60 from 6.0m required (to a garage) to 4.5m proposed.
- To vary the required side yard setback (east side) on lot 59 from 4.5m required to 2.93m proposed and from 6.0m required (garage) to 2.93m proposed;
- To vary the required side yard setback (west side) from 2.0m required to 0.67m proposed on lot 59.
- To vary the minimum permitted size for a parking stall from 6.0m required to 4.5m proposed for 3 stalls on lot 60. Vary maximum number of small car stalls from 40% permitted to 100% proposed on lot 60.

The proposed single family dwellings are both identical two storey buildings with two bedrooms, a bathroom, kitchen, dinning area and living room on the main floor. The proposed basement will house laundry facilities and a playroom. The proposed secondary suites in accessory buildings will both be 1.5 storeys (4.5m) in height and will be 1 bedroom units with a garage at grade.

The application meets the requirements of the RU6 – Two Dwelling Housing zone as follows:

CRITERIA	PROPOSAL LOT 59	PROPOSAL LOT 60	RU6 ZONE REQUIREMENTS
Lot Area (m ²)	366m ²	373m ²	400m ² but 440m ² for corner lots
Lot Width (m)	10m	10m	13.0m
Lot Depth (m)	36.8m	36.8m	30.0m
Building Coverage (%)	37%	37%	40%
Total Site Coverage (%)	50%	48%	50%
Parking Spaces	3	3 ^{①⑤}	3
Storeys (#)			
House	1.5 storeys	1.5 storeys	2.5
Accessory	1.5 storeys (4.5m)	1.5m Storeys (4.5m)	4.5m
Setbacks (m)			
- Front	4.5m	4.5m	4.5m
- Rear (Front Yard for Accessory Building)	4.5m	4.5m ^②	4.5m (6.0m to the front of a garage or carport)
- Side (e)	2.92m ^③	2.0m	2.0 (interior lot) 4.5m (flanking side yard) (6.0m for Garage)
- Side (w)	0.67m ^④	2.0m	2.0m

- ^① Note: Applicant is seeking a variance in order to locate both the parking stalls for the single family dwelling in a required front yard.
- ^② Note: Applicant is seeking to vary the rear (front yard on Cawston Avenue) yard setback on Lot 60 from 6.0m required (to a garage) to 4.5m proposed.
- ^③ Note: Applicant is seeking to vary the required side yard setback (east side) on lot 59 from 4.5m required to 2.93m proposed and from 6.0m required (garage) to 2.93m proposed;
- ^④ Note: Applicant is seeking to vary the required side yard setback (west side) from 2.0m required to 0.67m proposed on lot 59.
- ^⑤ Note: Applicant is seeking to vary the minimum permitted size for a parking stall from 6.0m required to 4.5m proposed for 3 stalls on lot 60. Applicant is seeking to vary maximum number of small car stalls from 40% permitted to 100% proposed on lot 60.

3.2 Site Context

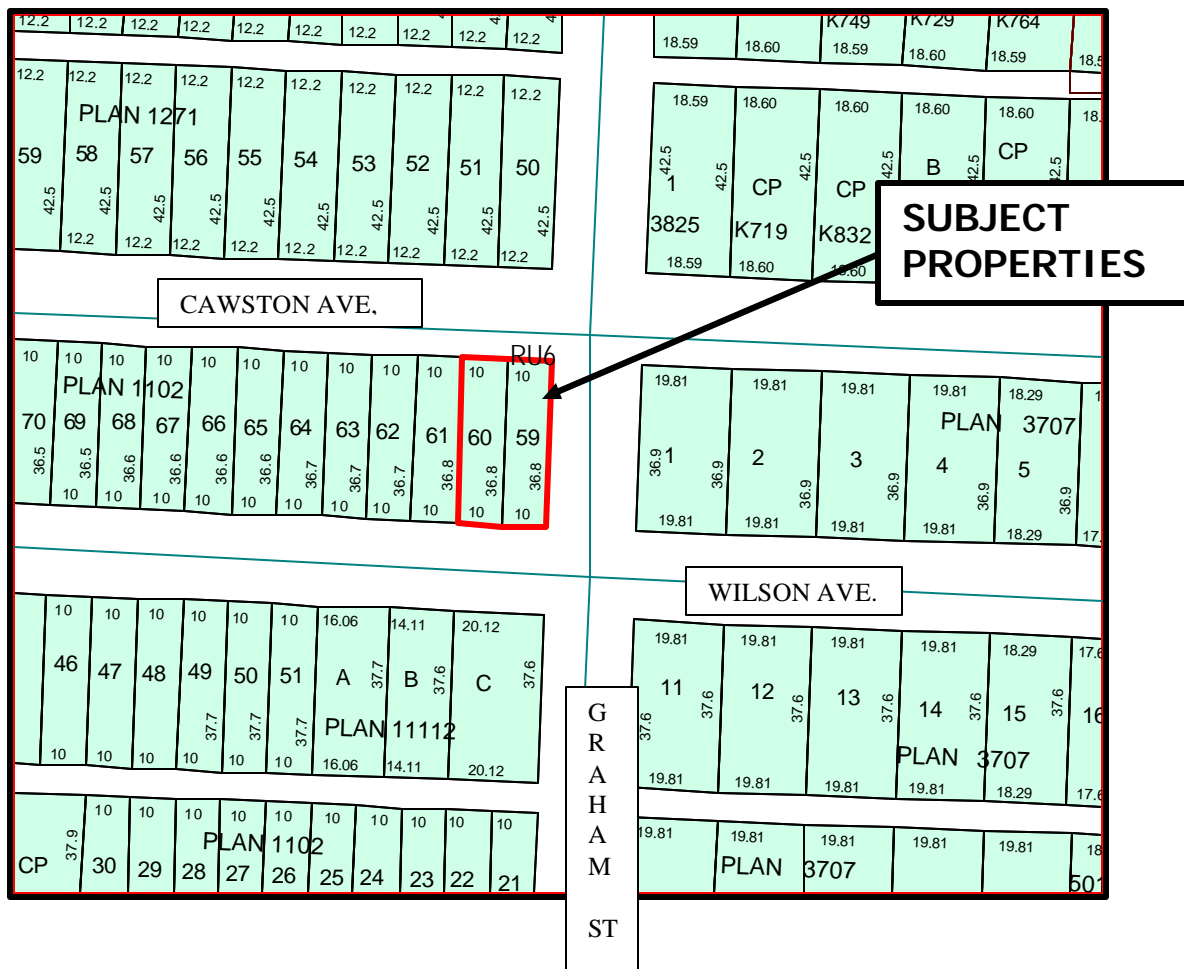
The subject properties are located on the west side of intersection of Graham Street and Wilson/Cawston Avenues.

Adjacent zones and uses are:

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

3.3 Site Location Map

Subject Property: 988 Wilson Avenue



3.4 Existing Development Potential

The purpose of the RU6 – Two Dwelling Housing zone is to provide a zone for development of a maximum of two dwelling units in the form of single detached, duplex, or semi-detached housing or single detached housing with secondary suites.

4.0 TECHNICAL COMMENTS

4.1 Works and Utilities Department

4.1.1 Domestic Water and Fire Protection

- a) This development is within the service area of the City of Kelowna. All charges for service connections and upgrading costs are to be paid directly to the City of Kelowna.
- b) Lot 59 is currently serviced from the 200mm watermain on Wilson Avenue with a 19mm- diameter copper water service.
- c) A new water service for lot 60 can be provided from a water main on Cawston Avenue by City forces at the applicant's cost.
- d) Water service issues will be reviewed when Building Permit applications including mechanical plans are submitted.

4.1.2 Sanitary Sewer

- a) Lot 59 is currently serviced from a shallow 200mm diameter AC sewer main on Cawston Avenue with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) must be installed on the service at the owner's cost as required by the sewer-use bylaw.
- b) A new sanitary service for lot 60 can be provided from the sewer main on Cawston Avenue by City forces at the applicant's cost.

4.1.3 Development Variance and Site Related Issues

- a) By registered plan to provide a corner roundings of 6.0 meter where Graham Street intersects with Wilson Avenue and Cawston Avenue.
- b) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structure.

c) The Development Variance Application to vary setbacks does not compromise Works and Utilities servicing requirements.

d) Perimeter access must comply with the BC Building Code.

e) The developments will be required to contain and dispose of site generated storm water on the site.

4.2 Inspections Services Department

a) Lot 60

1. Parking for the main residence is in the front yard.
2. Cottage requires a 6 m setback to the garage.
3. Cantilever portion of main residence exceeds 20% of wall area. (*Plans revised to address this concern)
4. The elevation of the residence show a exterior stair encroaching into the side yard. The plan show a grade level entry with the stairs interior.
5. The height of the cottage is not shown. (*Plans revised to address this concern)

b) Lot 59

1. No opening permitted on left elevation of residence and cottage.
2. Door opens onto property line no room for access.
3. Cantilever portion of main residence exceeds 20% of wall area. (*Plans revised to address this concern)
4. The height of the cottage is not shown. (*Plans revised to address this concern)

4.3 Fire Department

No comment.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has concerns with the proposed development variance permit. Staff have long been clear with the applicant that it would be difficult to support a substantial number of variances for secondary suites in accessory buildings on these lots. Staff have been collaborating with the applicant for several months in an attempt to produce site plans which would complement the size of the existing lots.

Although the applicant has attempted to address some of the departments concerns there remains several issues with which the department is not satisfied.

Staff had indicated to the applicant that, providing the form and character of the proposed development satisfied staff, the department would consider supporting variances for the flanking side yard setback on Lot 59 (the corner lot fronting on Wilson Avenue, Graham Street and Cawston Avenue). Unfortunately staff is unable to support the proposed side yard setbacks due to the many other variances triggered by the proposed design. Of particular concern is the interior side yard setback will be reduced to approximately two feet.

From the outset of the application process the Planning and Corporate Services Department had indicated to the applicant that it would not support variances on lot 60. The revised plans submitted by the applicant include 3 variances and therefore staff are unable to support the proposed development on this lot.

As indicated above and previously to the applicant, Staff would be willing to support flanking side yard variances for Lot 59; however, as the required setbacks for lot 60 are smaller, staff will not support variances on this site.

The neighbors located at 980 Wilson Avenue, 1008 Wilson Avenue have expressed their support for the project by way of written submission

7.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP03-0152; Lots 59 and 60, District Lot 138, ODYD Plan 1102 located on Wilson Avenue, Kelowna, B.C.;

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

Section 13.6.5: Subsection: (c):

Vary front yard setback (Cawston Avenue) from 6.0m required to a garage to 4.5m proposed

Section 13.6.5: Subsection: (d):

Vary the required side yard setback (east side) on lot 59 from 4.5m required to 2.93m proposed and from 6.0m required (garage) to 2.93m proposed

Section 13.6.5: Subsection: (d):

Vary the required side yard setback (west side) from 2.0m required to 0.67m proposed on lot 59.

Section 8.1: Subsection: 8.1.9(b)

Vary the parking location requirements on lot 60 to allow parking in a required front yard.

Section 8.1: Subsection: 8.1.11(a)

Vary the minimum allowable size for a parking stall from 5.0m in length for a small car stall to 4.5m proposed and vary the maximum number of small car stalls from 40% permitted to 10% proposed.

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

1. **APPLICATION NO.:** DVP03-0152
2. **APPLICATION TYPE:** DEVELOPMENT VARIANCE PERMIT
3. **OWNER:** GERHARD KASDORF
 . **ADDRESS** 384 UPLANDS COURT
 . **CITY** KELOWNA, BC
 . **POSTAL CODE** V1W 4J7
4. **APPLICANT/CONTACT PERSON:** AS ABOVE
 . **ADDRESS**
 . **CITY**
 . **POSTAL CODE**
 . **TELEPHONE/FAX NO.:** 762-2444
5. **APPLICATION PROGRESS:**
 Date of Application: 2003-12-22
 Date Application Complete: 2003-12-22
 Servicing Agreement Forwarded to Applicant: N/A
 Servicing Agreement Concluded: N/A
 Staff Report to APC: N/A
 Staff Report to Council: JANUARY
6. **LEGAL DESCRIPTION:** Lots 59 and 60, District Lot 138, ODYD Plan 1102
7. **SITE LOCATION:** The subject properties are located on the west side of intersection of Graham Street and Wilson/Cawston Avenues.
8. **CIVIC ADDRESS:** 988 Wilson Ave.
9. **AREA OF SUBJECT PROPERTY:** Lot 60: 373m²
 Lot 59: 366m²
10. **AREA OF PROPOSED REZONING:** N/A
11. **EXISTING ZONE CATEGORY:** RU6-Two Dwelling Housing
12. **PROPOSED ZONE:** N/A

13. PURPOSE OF THE APPLICATION:

TO REMOVE THE EXISTING SINGLE FAMILY DWELLING WHICH SITS ASTRIDE TWO LOTS IN ORDER TO CONSTRUCT A NEW SINGLE FAMILY DWELLING WITH SECONDARY SUITE ACCESSORY BUILDING ON EACH LOT;

TO VARY THE PARKING LOCATION REQUIREMENTS ON LOT 60 TO ALLOW PARKING IN A REQUIRED FRONT YARD;

TO VARY THE REAR (FRONT) YARD SETBACK ON LOT 60 FROM 6.0M REQUIRED (TO A GARAGE) TO 4.5M PROPOSED

TO VARY THE REQUIRED SIDE YARD SETBACK (EAST SIDE) LOT 59 FROM 4.5M REQUIRED TO 2.93M PROPOSED AND FROM 6.0M REQUIRED (GARAGE) TO 2.93M PROPOSED;

TO VARY THE REQUIRED SIDE YARD SETBACK (WEST SIDE) FROM 2.0M REQUIRED TO 0.67M PROPOSED;

TO VARY THE MINIMUM PERMITTED SIZE FOR A PARKING SPACE FROM 6.0M REQUIRED TO 4.5M PROPOSED FOR 3 SPACES ON LOT 60. VARY MAXIMUM NUMBER OF SMALL CAR SPACES FROM 40% PERMITTED TO 100% PROPOSED ON LOT 60.

**14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY**

N/A

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plans
- Elevations