
CITY OF KELOWNA

MEMORANDUM

Date: April 22, 2004
File No.: DVP04-0031

To: City Manager

From: Planning & Corporate Services Department

Subject:

APPLICATION NO. DVP04-0031 **OWNER:** OTTO AND ANNA FUHRMANN

AT: 387 STELLAR DRIVE **APPLICANT:** OTTO AND ANN FUHRMANN

PURPOSE: TO AMEND LAND USE CONTRACT NO.77-1002 IN ORDER TO
REDUCE THE REQUIRED REAR YARD SETBACK FROM 7.5M
REQUIRED (A-4 RURAL RESIDENTIAL ZONE OF BYLAW 4500) TO
3.0M PROPOSED

EXISTING ZONE: LUC77-1002 (A-4 RURAL RESIDENTIAL – BYLAW 4500)

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize an amendment to Land Use Contract No.77-1002 in relation to Lot 152, Section 23, Township 28, SDYD Plan 32591;

AND THAT variances to the following sections of Zoning Bylaw No. 4500 be granted:

Section 104.5 – Siting of Principal Buildings: Subsection: 104.5 (3): Rear Yard

To vary the rear yard setback from 7.5m required to 3.0m proposed.

2.0 SUMMARY

This is a development variance permit application to amend the zoning regulations specified by Land Use Contract No.77-1002 as it applies to Lot 152, Section 23, Township 28, SDYD Plan 32591 located at 387 Stellar Drive. The applicant wishes to reduce the rear yard setback from 7.5m required to 3.0m proposed.

3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of March 30, 2003 it was resolved:

THAT the Advisory Planning Commission supports Development Variance Permit No. DVP04-0031, 387 Stellar Drive/Lot 152, Plan 32591, Sec. 23, Twp. 28, SDYD, by Otto &

Anna Fuhrmann to amend Land Use Contract #LUC77-1002 in order to allow for a reduction of the rear yard setback from 7.5m required to 3.0m proposed.

4.0 BACKGROUND

Land Use Contract No.77-1002 is registered on the title of the subject property. The subject property is subject to the development regulations specified in this contract. The contract states the subject property is to be developed in accordance with the standards of the A4-Rural Residential zone of Zoning Bylaw No.4500.

4.1 The Proposal

The applicants have undertaken a renovation of the single family dwelling located on the subject property and have closed in the original garage. Now seeking to construct a new garage on the subject property the applicants are seeking a reduction of the rear yard setback to achieve optimal siting for the building addition due to the steep slopes which affect the property.

The applicant is seeking amend the land use contract in order to reduce the required rear yard setback from 7.5m required (A-4 Rural Residential Zone of Bylaw 4500) to 3.0m proposed in order to accommodate a new side entry garage in the rear yard of the subject property. It is intended that the proposed amendment only apply to the subject property.

The application meets the requirements of the A-4 Rural Residential Zone (Land Use Contract No.77-1002) as follows:

CRITERIA	PROPOSAL	A-4 RURAL RESIDENTIAL ZONE REQUIREMENTS
Site Area	1180m ²	N/A
Lot Width		N/A
Lot Depth		N/A
Site Coverage	21%	30%
Height	2	2
Setbacks		
- Front	17.3m	6.0m
- Rear	3.0m ❶	7.5m
- Side (w)	7.3	3.0m
- Side (e)	3.04m	3.0m

❶Note: The applicant is seeking to vary the rear yard setback from 7.5m required to 3.0m proposed.

4.2 Site Context

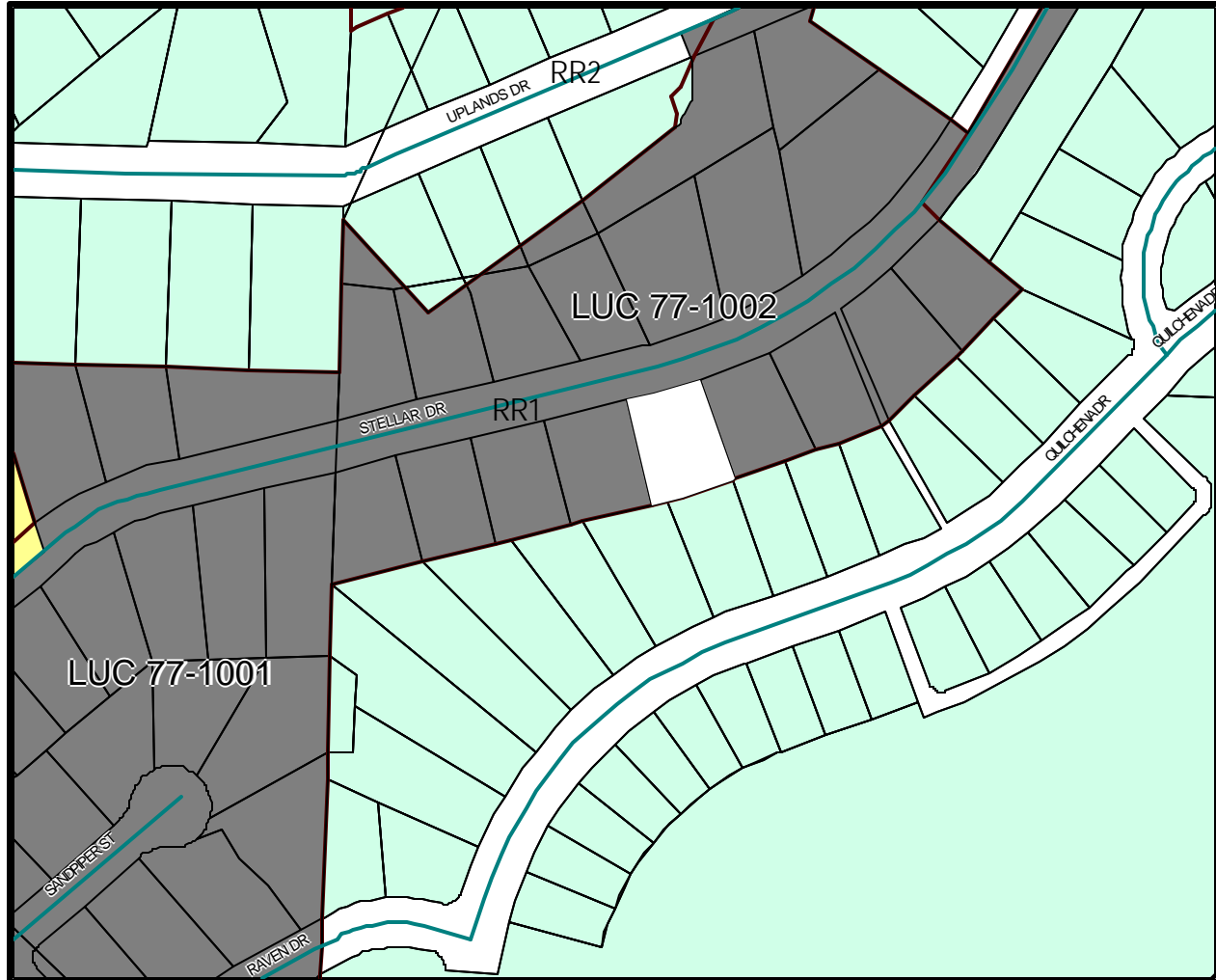
The subject property is located on the south side of Stellar Drive roughly 215m south-east the intersection with Okaview Road.

Adjacent zoning and existing land uses are to the:

- North - Land Use Contract No.77-1002 – Single Family Dwelling
- East - Land Use Contract No.77-1002 – Single Family Dwelling
- South - CD2 – Comprehensive Development 2 – Kettle Valley
- West - Land Use Contract No.77-1002 – Single Family Dwelling

Site Map

Subject Property: 387 Stellar Drive



4.3 Existing Development Potential

Land Use Contract No.77-1002 specifies that the lands must be developed to the standard of the A-4 Rural Residential zone as it existed in Zoning Bylaw No.4500.

4.4 Current Development Policy

4.4.1 Council Policy #282

The City of Kelowna should initiate proceedings to discharge Land Use Contracts that have provisions enabling the City to unilaterally discharge the contracts subject to consultation with affected owners of the land and subject to prior approval by Council with regard to affected contracts.

5.0 TECHNICAL COMMENTS

This application was circulated to various internal departments and external agencies and the following comments received:

5.1 Works and Utilities

No comment.

5.2 Inspection Services

No concerns.

5.3 Fire Department

No comment.

5.4 Parks Manager

No comment.

6.0 PLANNING AND CORPORATE SERVICES COMMENTS

The Planning and Corporate Services Department has no concerns with the proposed amendment to LUC77-1002 to allow for a reduced rear yard setback and increased site coverage to accommodate a garage addition. The existing dwelling respects a rear yard setback (7.6m) that would be acceptable in Kelowna's urban residential zones today; however the new garage which will be attached to and considered part of the principal dwelling does not meet the required setback. In addition, due to the topographical constraints on the subject property staff feel that the proposed location for the garage addition makes sense in this case. Furthermore the increase in site coverage triggered by the addition is only of what would be permitted in the RU1 – Large Lot Housing Zone of Bylaw No. 8000.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

RM/AB/rs

FACT SHEET

1. **APPLICATION NO.:** DVP04-0031
2. **APPLICATION TYPE:** Development Variance Permit
3. **OWNER:** Otto and Anna Fuhrmann
· **ADDRESS** 387 Stellar Drive
· **CITY** Kelowna, BC
· **POSTAL CODE** V1W 4A7
4. **APPLICANT/CONTACT PERSON:** Otto and Anna Fuhrmann
· **ADDRESS** 387 Stellar Drive
· **CITY** Kelowna, BC
· **POSTAL CODE** V1W 4A7
· **TELEPHONE/FAX NO.:** 767-1256
5. **APPLICATION PROGRESS:**
 Date of Application: March 10, 2004
 Date Application Complete: March 10, 2004
 Servicing Agreement Forwarded to Applicant: N/A
 Servicing Agreement Concluded: N/A
 Staff Report to APC: March 24, 2004
 Staff Report to Council: N/A
6. **LEGAL DESCRIPTION:** LOT 152, SECTION 23, TOWNSHIP 28, SDYD PLAN 32591
7. **SITE LOCATION:** The subject property is located on the south side of Stellar Drive roughly 215m south-east the intersection with Okaview Road.
8. **CIVIC ADDRESS:** 387 Stellar Drive
9. **AREA OF SUBJECT PROPERTY:** 1180m²
10. **EXISTING ZONE CATEGORY:** Land Use Contract No.77-1002
11. **TYPE OF DEVELOPMENT PERMIT AREA:** N/A
13. **PURPOSE OF THE APPLICATION:** TO AMEND LAND USE CONTRACT NO.77-1002 AS IT APPLIES TO LOT 152, SECTION 23, TOWNSHIP 28, ODYD PLAN 32591 IN ORDER TO REDUCE THE REQUIRED REAR YARD SETBACK ON THIS PROPERTY FROM 7.5M REQUIRED (A-4 RURAL RESIDENTIAL ZONE OF BYLAW 4500) TO 3.0M PROPOSED
14. **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)

- Location of subject property
- Site Plan
- Elevations (proposed)