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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** April 13, 2004

**File No.:** DVP04-0037

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

**APPLICATION NO.** DVP04-0037      **OWNER:** West Rutland Development Corp.

**LOCATION:** 1188 Houghton Road      **APPLICANT:** Culos Development (1996) Inc.

**PURPOSE:** TO VARY THE SITE FRONT YARD SETBACK FROM 4.5M REQUIRED TO 4.1M PROPOSED

TO VARY THE SOUTHERN SIDE YARD SETBACK FROM 1.5M  
REQUIRED TO 1.2M PROPOSED

**EXISTING ZONE:** RU5 – BARELAND STRATA HOUSING

**REPORT PREPARED BY:** RYAN SMITH

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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**1.0      RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP04-0037; Strata Lot 1, Section 27, Township 26, ODYD, Strata Plan KAS2406, located on Houghton Road, Kelowna, B.C.;

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

Section 13.5: Bareland Strata Housing: Subsection: 13.5.6(c):

Vary the site front yard setback from 4.5m required to 4.1m proposed.

Section 13.5: Bareland Strata Housing: Subsection: 13.5.6(d):

Vary the side yard setback from 1.5m required (3.0 total between bareland strata lots) to 1.2m proposed.

**2.0      SUMMARY**

The applicant is seeking to vary the site front yard setback from 4.5m required to 4.1m proposed and the southern side yard from 1.5m required to 1.2m proposed to allow for the construction of a single family dwelling on the subject property.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The applicant is seeking a reduction of the site front yard setback to allow for the construction of a single family dwelling on lot 1 of the 34 unit bareland strata development. The site has frontage on Leathead Road; however, the subject property fronts onto a common property access road for the bareland strata development and therefore its side yard faces onto Leathead Road. The site also has frontage and access to Houghton Road to the south.

The application compares to the requirements the City of Kelowna Bylaw No. 8000 for RU5-Bareland Strata Housing zone as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Lot Size(m <sup>2</sup> )	393m <sup>2</sup>	325m <sup>2</sup>
Lot Width(m)	14.25m	12.0m
Lot Depth(m)	27.10m	25.0m
Site Coverage (%)	33%	50%
<b>Setbacks</b>		
Site Front Yard	4.1 ❶	4.5
Front Yard	4.5m	4.5m
Side Yard (n)	4.1m	Sum of both side yards must be at least 3.0m
Side Yard (s)	1.2m ❷	Sum of both side yards must be at least 3.0m
Rear Yard	4.5m	3.0m

❶Note: The applicant is seeking to vary the site front yard setback from 4.5m required to 4.1m proposed.

❷Note: The applicant is seeking to vary the side yard setback from 1.5m required (3.0 total between bareland strata lots) to 1.2m proposed.

#### Site Context

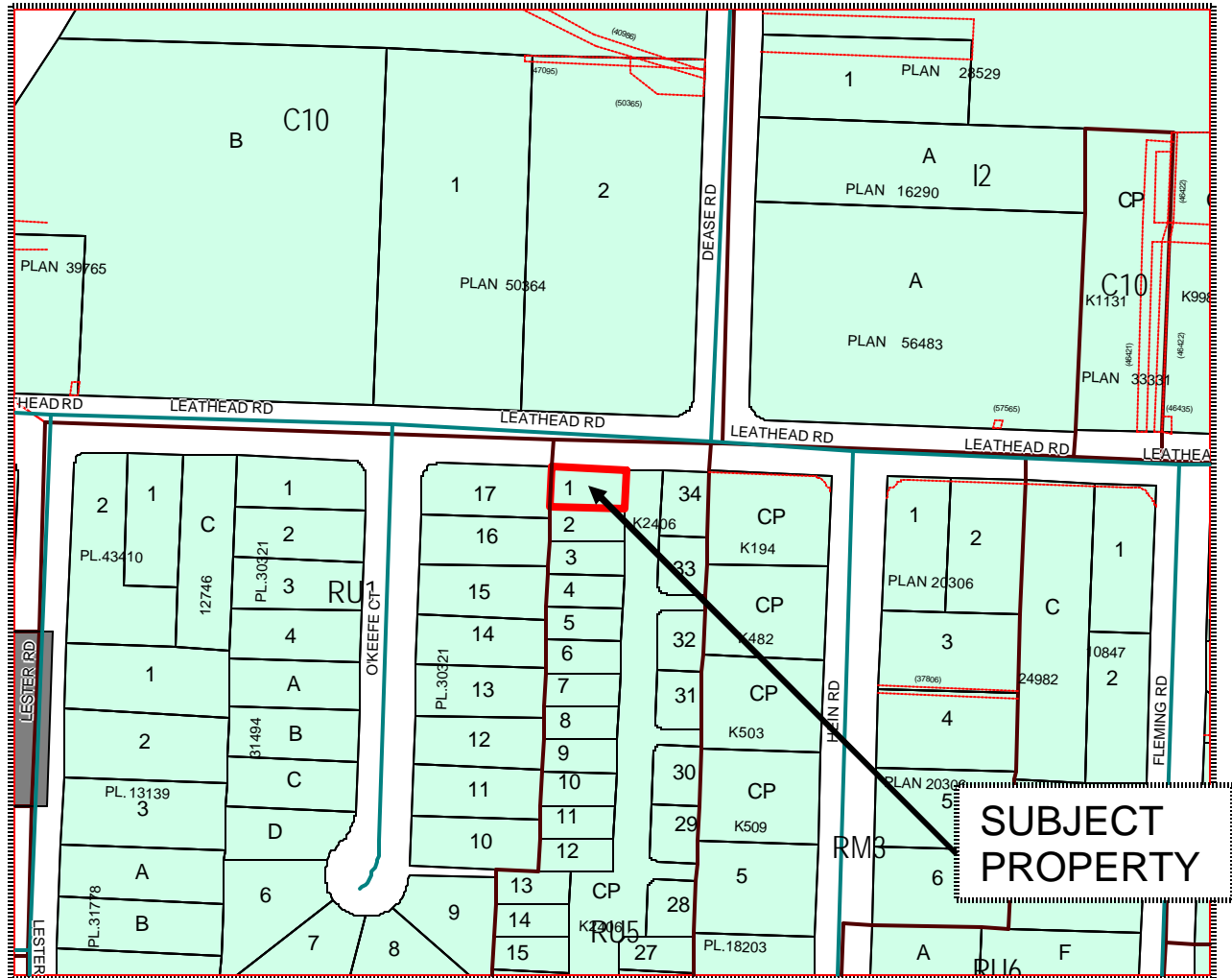
The subject property is located in a bareland strata type subdivision on the south side of Leathead Road between Okeefe Court and Hein Road.

Adjacent zoning and existing land uses are to the:

- North - C10 – Service Commercial
- East - RM3 – Low Density Multiple Housing
- South - P2 – Education and Minor Institutional
- West - RU1 – Large Lot Housing – Single Family Dwelling

Site Map

Subject Property: #140-1188 Houghton Road



#### 4.0 TECHNICAL COMMENTS

This application has been circulated to various internal departments and external agencies and the following comments were received:

##### 4.1 Works and Utilities Department

The proposed side yard reduction for this dwelling located behind the existing lofty and opaque cinder block wall does not compromise Works and Utilities servicing requirements.

##### 4.2 Inspection Services

No comment.

#### 5.0 PLANNING AND CORPORATE SERVICES COMMENTS

The Planning and Corporate Services Department has no concerns with regard to the proposed variances. There is a concrete wall which buffers the subject property from Leathead Road. The only access from the subject property to Leathead Road is an emergency access and therefore there are no site-distance concerns.

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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**

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| <b>15. APPLICATION NO.:</b>   | DVP04-0037   |
| <b>15. APPLICATION TYPE:</b>  | Development Variance Permit  |
| <b>3. OWNER:</b>  | West Rutland Development Corp.   |
| . ADDRESS   | 106-1449 St. Paul Street   |
| . CITY  | Kelowna, BC  |
| . POSTAL CODE   | V1Y 2E5  |
| <b>4. APPLICANT/CONTACT PERSON:</b>                                   | Culos Development (1996) Inc.  |
| . ADDRESS   | 106-1449 St. Paul Street   |
| . CITY  | Kelowna, BC  |
| . POSTAL CODE   | V1Y 2E5  |
| . TELEPHONE/FAX NO.:  | 763-7806   |
| <b>5. APPLICATION PROGRESS:</b>                                       |  |
| Date of Application:  | March 11, 2004   |
| Date Application Complete:  | March 11, 2004   |
| Servicing Agreement Forwarded to Applicant:                           | N/A  |
| Servicing Agreement Concluded:  | N/A  |
| Staff Report to APC:  | N/A  |
| Staff Report to Council:  | April 1 <sup>st</sup> , 2004   |
| <b>15. LEGAL DESCRIPTION:</b>   | Strata Lot 1, Section 27, Township 26, ODYD, Strata Plan KAS2406   |
| <b>15. SITE LOCATION:</b>   | The subject property is located in a bareland strata type subdivision on the south side of Leathead Road between Okeefe Court and Hein Road. |
| <b>15. CIVIC ADDRESS:</b>   | #140-1188 Houghton Road  |
| <b>15. AREA OF SUBJECT PROPERTY:</b>                                  | 393m <sup>2</sup>  |
| <b>15. EXISTING ZONE CATEGORY:</b>                                    | RU5 – Bareland Strata Housing  |
| <b>15. TYPE OF DEVELOPMENT PERMIT AREA:</b>                           | N/A  |
| <b>15. PURPOSE OF THE APPLICATION:</b>                                |  |
| <b>15. MIN. OF TRANS./HIGHWAYS FILES NO.:</b>                         | N/A  |
| <b>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY</b> |  |
| <b>15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>                   | N/A  |

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Subject Property Map
- Site Plan
- Elevations
- Floor Plan