
CITY OF KELOWNA

MEMORANDUM

Date: May 21, 2004

File No.: DVP04-0038
(3360-20)

To: City Manager

From: Planning & Corporate Services Department

Purpose: To vary Section 13.5.5 (f) of City of Kelowna Zoning Bylaw No. 8000 to allow for a variance to the setback from the back of curb for garages (for 3 lots only) and to allow for a sum of both sides yards to be a minimum of 1.5 m when 3.0 m minimum is required, for all 50 proposed building lots.

Owner: Aberdeen Holdings Ltd. **Applicant/Contact Person:** Protech Consultants Ltd./Grant Maddock

At: 2350 Byrns Road

Existing OCP Designation: Multiple Unit Residential – low density

Proposed OCP Designation: Single/Two Unit residential

Existing Zone: A1 – Agriculture 1 **Proposed Zone:** RU5 – Bareland Strata Housing

Report 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. DVP04-0038, Aberdeen Holdings Ltd.; Lot 2, DL 136, ODYD, Plan KAP72184, located on Byrns Road, Kelowna, BC;

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

- a) Section 13.5.6(f) – A garage or carport shall be no less than 6.0 m from a curb or sidewalk. To vary this requirement for proposed Strata Lots 16, 26 & 27 from 6.0 m to 4 m.
- b) Section 13.5.6(f) – A 0.0 m side yard is permitted on either side of the property line over which the building sits in order to accommodate semi-detached housing, when the other side yard on each bareland strata lot is a minimum of 3.0. To vary the required minimum from 3.0 m to 1.5 m.

2.0 SUMMARY

The applicant is proposing a 50 unit bareland strata subdivision development as a Stage II component of the nearly completed Balmoral Resort Community development that is accessed off Stillingfleet Road. Access to this Stage II bareland strata development will be off Guisachan Road. As part of this application, the applicant is requesting approval for a Development Variance Permit to allow for a reduced side yard setback between the proposed 50 units of 1.5 m from the 3.0 m minimum required and a variance to the garage setback for three of the strata lots from 6.0 m to 4.0 m.

2.1 Advisory Planning Commission

The Advisory Planning Commission at their meeting of April 13, 2004 reviewed the application and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Variance Application No. DVP04-0038, for 2350 Byrns Road/Lot 2, Plan 72184, Sec. 18, Twp.26, ODYD, by Protech Consultants Ltd. (Grant Maddock) to obtain a Development Variance Permit to vary the side yard setback from the 3.0 m required to the 1.5 m proposed for the 50 unit strata housing subdivision.

3.0 BACKGROUND

3.1 The Proposal

The property is located at the southwest corner of Guisachan Road and Burtch Road and is separated from the nearly completed Balmoral Resort Community by the dedicated but un-constructed re-alignment of Guisachan Road.

Proposed units 1 to 16 will be designed to front Guisachan Road. Along this Guisachan Road frontage the applicant is proposing a wrought iron fence with a pedestrian gate for each lot. All other units are solely accessed from within the development. There will be a split block fence along property lines facing Burtch Road and the new alignment of Guisachan Road, similar in design to the fence provided as part of the existing Balmoral Resort Community development.

The applicant has submitted this application for a Development Variance Permit to vary the side yard setbacks from the 3.0 m required to 1.5 m proposed and to vary the setback requirement of 6.0m for garages from the back of curb to 4.0 m for strata lots 16, 26 & 27. The zoning bylaw requires that the sum of both side yards on a bareland strata lot be 3.0m. In a case where zero lot lines are proposed, the one side yard setback is to be a minimum of 3.0m. In addition, the setback shall be a minimum of 3.0 from the flanking roadway and the sum of both side yards shall not be less than 4.5 m. This proposed development under application is showing a minimum of 1.5 m for the sideyard setback.

CRITERIA	PROPOSAL	RU5 ZONE REQUIREMENTS
Site Area	2.63	1.0 ha
Site Width (m)	168.41	40
Bareland Strata Lot Width (m)	12	12
Bareland Strata Lot Depth (m)	27.5	25
Bareland Strata Lot Area (m ²)	330	325
Site Coverage (%)	47	50
Storeys (#)	1	2 ½
Setbacks (m)		
- Site Front (Burtch Road)	4.5	4.5
- Site Rear (new road)	6	6
- North Side	4.5	3

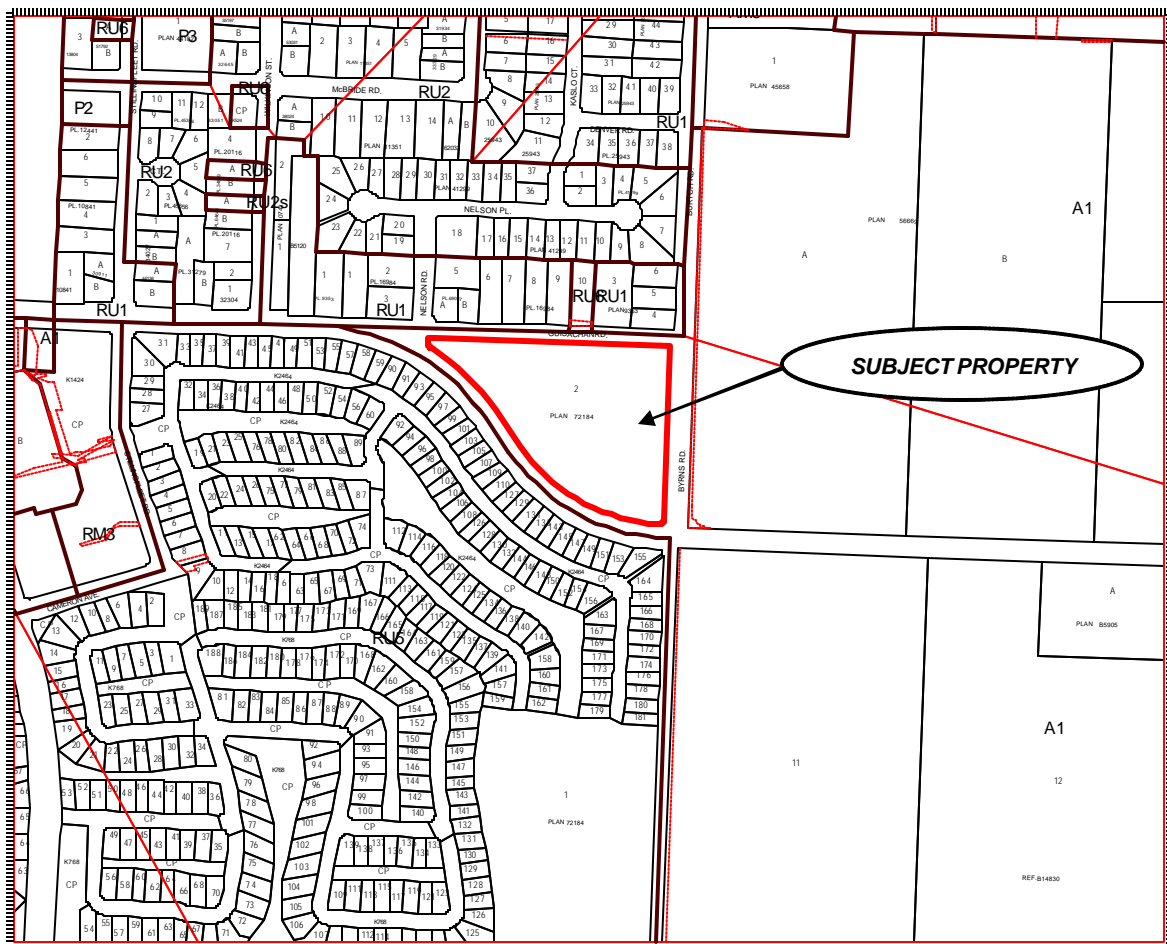
- South Side	4.5	3
Strata Lot Setbacks (m):		
Back or curb (garage or carport)	4 ❶	6
Side/Side = Total	0/1.5=1.5 ❷	Total = 3
Rear	4.5	4.5
Parking Stalls (#)	100 (each unit has a two car garage) Visitor parking is facilitated on driveways	2 stalls/unit (2 x 50 = 100) Visitor = 1 stall/7units

❶ Section 13.5.5(f) – A garage or carport shall be no less than 6.0 m from a curb or sidewalk. A variance is required for proposed Strata Lots 16, 26 & 27 from 6.0 m to 4 m.

❷ Section 13.5.5(f) – A 0.0 m side yard is permitted on either side of the property line over which the building sits in order to accommodate semi-detached housing, when the other side yard on each bareland strata lot is a minimum of 3.0. A variance is required to vary the required minimum from 3.0 m to 1.5 m.

3.2 Site Context

The subject property is located at the southwest corner of Guisachan and Burtch Roads.



Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing, RU6 – Two Dwelling Housing, RU2 – Medium Lot Housing; primarily single family residential neighbourhood with one lot zoned for a two units.
- East - A1 – Agricultural 1; agricultural land – in the Agricultural Land Reserve
- South - new alignment of Guisachan Road, RU5 – Bareland Strata Housing; Balmoral Resort Community
- West - RU5 – Bareland Strata Housing; Balmoral Resort Community

3.4 Current Development Policy

3.4.1 City of Kelowna Strategic Plan (1992)

The Kelowna Strategic Plan supports the orderly progression of urban development, in particular, infill development, where the extension of required municipal servicing can easily be accommodated within an existing urban area.

3.4.2 Kelowna Official Community Plan (1994-2013)

The current OCP Future Land Use designation of the subject property is Multiple Unit Residential Low Density and the applicant is requesting an OCP amendment to designate the property for Single/Two Unit Residential development.

There are a number of policies within the OCP that relate to the proposed development and they are:

Chapter 8 – Housing Policies

8.1.51 **“Walled Communities”**. Discourage the creation of developments enclosed on all sides with walls or other physical or visual barriers to access if such developments compromise the principles embedded in the “Crime Prevention Through Environmental Design” guidelines and hinder efforts to create more pedestrian, bicycle and transit-friendly communities or inhibit the efficient use of infrastructure.

The proposed development will be enclosed on both the Burtch Road and new Guisachan Road alignment frontages, similar to the existing Balmoral Resort Community. This will provide for some sound attenuation from the roads as well as added buffering from the ALR lands to the east. The existing Guisachan Road frontage will be fenced with a wrought iron fence and individual gates, which provides a visual connection with the established neighbourhood, and allow for direct pedestrian connectivity to the street for a portion of the development.

8.1.34 **Land Utilization within Single Detached Areas**. Work towards achieving more efficient use of land within developed single-detached neighbourhoods by encouraging rezoning, subdivision and building permit applications that would allow for smaller lot sizes, secondary suites, minor boarding facilities, minor group homes, duplexes etc. that are sensitively integrated into a neighbourhood;

The OCP also addresses the issue of development adjacent to agricultural land with the following policy statements from Chapter 11 – Agriculture:

11.1.19 **Buffers.** Provide for distinct boundaries that separate urban and rural uses by utilizing, where appropriate, roads, topographic features, watercourses, ditching, fencing, or small lot rural transition areas, as buffers to preserve larger farm units and areas;

11.1.20 **Buffering.** Require that new developments adjacent to or abutting agricultural areas provide sufficient setbacks, on-site fencing and vegetative buffering to mitigate potential conflicts. (please refer to Zoning Bylaw and Provincial Land Reserve Commission specifications for information on minimum landscape buffers);

4.0 TECHNICAL COMMENTS

4.1 Works & Utilities

The City's Works & Utilities Department will handle the Works & Services requirements identified below between time of Preliminary Layout Review and application for Subdivision Approval. Arrangements for construction must be made before making application for Final Approval of a subdivision plan. The Development Engineering Technician for this project is John Filipenko.

.1) Rezoning and Variance Permit Application

The application to rezone from A-1 to RU-5 and the development variance application to reduce the side yard setbacks, do not compromise Works and Utilities requirements.

4.2 Fire Department

Fire Department access and hydrants as per the BC Building Code and City of Kelowna Subdivision, Development and Servicing Bylaw.

4.3 Inspection Services

Geotechnical report required.

4.4 Parks Division

All entry feature signs for the proposed development will be located on private property, not on City boulevard.

4.5 Aquila, Shaw Cable & Telus

Underground services to be installed at developer's expense.

4.6 Terasen, RCMP

No comment

4.7 School District No. 23

No response

5.0 PLANNING COMMENTS

This Development Variance Permit application is requesting approval for a reduction of the sum of the side yard building setbacks from the 3.0 m required to 1.5 m proposed for the proposed bareland strata lots. The proposed side yard building setback reduction to 1.5 m along flanking internal roadways will maintain a back of curb to building face of at least 4 m.

The Development Variance Permit application is also requesting approval for a reduction in the setback from the back of curb for garages. Proposed strata lots 16, 26, & 27 are proposing a setback of 4.0 m where 6.0 m is required.

The proposed development of the subject property with the proposed side yard building setback variance will have a form and character that will be virtually the same as the adjacent Balmoral Resort Community bareland strata development except in a semi-detached form.

A Development Permit Application is not required for this proposed development. Landscaping and fencing will be bonded through the subsequent subdivision process.

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion

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

RGS/SG/sg

FACT SHEET

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| 1. | APPLICATION NO.: | DVP04-0038 |
| 2. | APPLICATION TYPE: | Development Variance Permit |
| 3. | OWNER: | Aberdeen Holdings Ltd. |
| | . ADDRESS | 205 – 2365 Gordon Drive |
| | . CITY/ POSTAL CODE | Kelowna, BC V1W 3C2 |
| 4. | APPLICANT/CONTACT PERSON: | Protech Consultants Ltd./Grant Maddock |
| | . ADDRESS | 200 – 1449 St. Paul Street |
| | . CITY/ POSTAL CODE: | Kelowna, BC V1Y 2E4 |
| | . TELEPHONE/FAX NO.: | 860-1771/860-1994 |
| 5. | APPLICATION PROGRESS: | |
| | Date of Application: | March 11, 2004 |
| | Servicing Agreement Forwarded to Applicant: | |
| | Servicing Agreement Concluded: | |
| | Staff Report to Council: | |
| 6. | LEGAL DESCRIPTION: | Lot 2, DL 136, ODYD, Plan KAP72184 |
| 7. | SITE LOCATION: | Southwest corner of Guisachan and Burtch Roads |
| 8. | CIVIC ADDRESS: | 2350 Byrns Road |
| 9. | AREA OF SUBJECT PROPERTY: | 2.63 ha |
| 10. | AREA OF PROPOSED REZONING: | 2.63 ha |
| 11. | EXISTING ZONE CATEGORY: | A1 – Agriculture 1 |
| 12. | PROPOSED ZONE: | RU5 – Bareland Strata |
| 13. | PURPOSE OF THE APPLICATION: | To vary Section 13.5.5 (f) of City of Kelowna Zoning Bylaw No. 8000 to allow for a variance to the setback from the back of curb for garages (for 3 lots only) and to allow for a sum of both sides yards to be a minimum of 1.5 m when 3.0 m minimum is required, for all 50 proposed building lots. |
| 15. | DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | None |

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