
CITY OF KELOWNA
MEMORANDUM

Date: June 15, 2004
File No.: DVP04-0056
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. DVP04-0056 **OWNER:** Johan and Reina Van Leening

LOCATION: 515 Broadway Ave. **APPLICANT:** Johan and Reina Van Leening

PURPOSE: TO VARY THE SITE COVERAGE FOR ACCESSORY BUILDINGS FROM 90M² PERMITTED TO 125M² PROPOSED IN ORDER TO ACCOMMODATE A SECONDARY SUITE IN AN ACCESORY BUILDING ON THE SUBJECT PROPERTY

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 **RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP04-0056; Lot A, District Lot 129, ODYD Plan 9568, located on Broadway Avenue, Kelowna, B.C.;

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

Section 6.5: Accessory Building in Residential Zones: 6.5.7:

Vary the site coverage for accessory buildings from 90m² permitted to 125m² proposed.

2.0 **SUMMARY**

The applicant is seeking to vary the site coverage for accessory buildings from 90m² permitted to 125m² proposed to accommodate a secondary suite in an accessory building.

3.0 BACKGROUND

The applicants are the owners of the two homes located at 515 and 528 Broadway Avenue. There is currently one single family dwelling located on the north side of the subject property (fronting Broadway Avenue).

3.1 The Proposal

The applicants are seeking to construct a secondary suite in an accessory building on the subject property. In order to allow for a garage that is of sufficient size to accommodate wheelchair loading and unloading for a disabled occupant the applicants are proposing a large garage.

The proposed dwelling will be 1.5 storeys in height and is designed to accommodate a disabled user. The proposed garage (to face the alley) is also designed in order to allow additional space for wheelchair loading and unloading. The proposed dwelling will have two bedrooms, a kitchen, dining area and living area. A deck will wrap around the north-west side of the building. A small lofted area is proposed as well. This area will have access to a small deck.

Due to the size of the proposed garage the site coverage for the accessory building exceeds the provisions of Zoning Bylaw No.8000. The bylaw allows for a site coverage of 90m² whereas the applicant is proposing a site coverage of 125m².

The application compares to the requirements the City of Kelowna Bylaw No. 8000 for RU6-Two Dwelling Housing zones as follows:

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Lot Size(m ²)	872m ²	800m ²
Lot Width(m)	23.9m (approx.)	20.0m
Lot Depth(m)	36.58m	30.0
Area (proposed secondary suite)	81.3m ²	83m ²
Site Coverage (accessory building)	125m ² ❶	90m ²
Site Coverage (existing)	12.5%	40%
Site Coverage (proposed)	22.7%	40%
Setbacks (existing house)		
Front	9.3	4.5m
Side Yard(W)	4.2m* (existing legal non-conformity)	4.5m
Side Yard(E)	4.9m	2.0m
Rear Yard	23.0m	7.5m
Setbacks (proposed secondary suite)		
Front (to existing dwelling)	7.5m	5m
Side Yard(W)	4.5m	4.5m
Side Yard(E)	3.0m	2.0m
Rear Yard	3.0m	1.5m

❶Note: The applicant is seeking to vary the site coverage for an accessory building with secondary suite from 90m² permitted to 125m² proposed.

Site Context

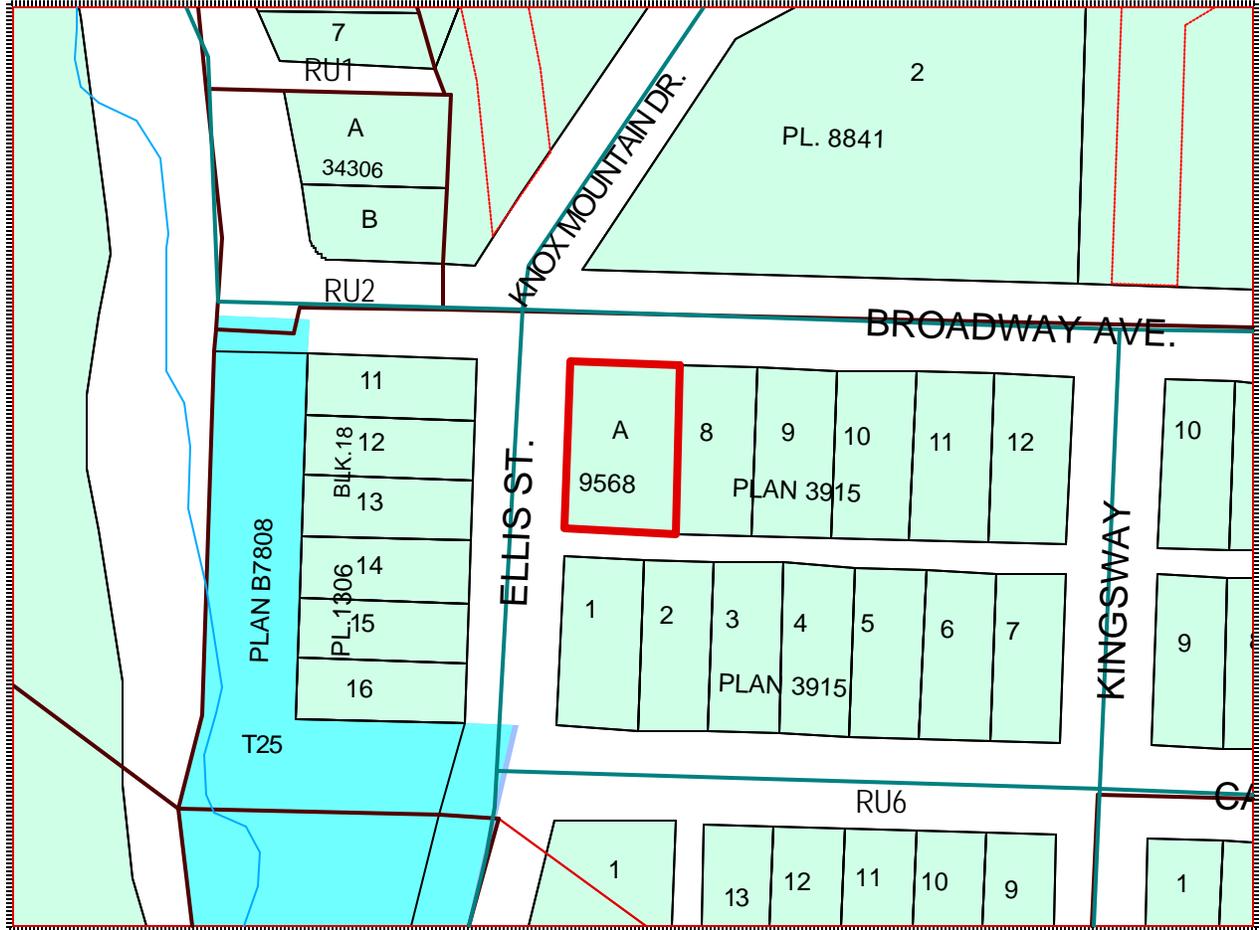
The subject property is located on the corner of Broadway Avenue and Ellis Street across from the entrance to Know Mountain Park.

Adjacent zoning and existing land uses are to the:

- North - P3 – Parks and Open Space – Knox Mountain Park
- East - RU6 – Two Dwelling Housing – Single Family Dwelling
- South - RU6 – Two Dwelling Housing – Single Family Dwelling
- West - P3 – Parks and Open Space – Sutherland Park

Site Map

Subject Property: 515 Broadway Avenue



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 Works & Utilities Department comments and requirements regarding this development Variance Application are as follows:

4.1.1 Domestic Water and Fire Protection

The existing lot is serviced with a small diameter (13-mm) copper water service, which is substandard. Adequate metered water service must be provided to meet current by-law requirements. The metered water service from the main residence must be extended to supply the proposed second dwelling. Only one water meter will be provided and one utility bill will be issued by the City for water and sewer-use at this address.

The disconnection of the existing small diameter water service and the tie-in of the new service will be by City forces at the developer's expense.

The water meter must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.

4.1.2 Sanitary Sewer

This property is currently serviced by the municipal sanitary sewer system. The existing 100mm-diameter service will be adequate for the proposed development and may be retained. An inspection chamber (IC) must be installed on the service at the owner's cost as required by the sewer-use bylaw

4.1.3 Road Dedication and Subdivision Requirements

By registered plan to provide the following:

6.00m corner rounding at the intersection of Broadway Ave and Ellis St.

4.1.4 Electric Power and Telecommunication Services

It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.

4.2 Inspection Services

Building to be constructed must comply with BC Building Code. More detail required with regard to loft area and access.

4.3 Fire Department

No concerns.

5.0 PLANNING AND CORPORATE SERVICES COMMENTS

The Planning and Corporate Service has no concerns with the proposed development variance permit. The actual floor area of the proposed suite will conform to the bylaw standards and staff recognizes that a large garage area would be required to accommodate wheelchair accessibility.

The abutting residents at 512 and 526 Cambridge have indicated their support for the proposal by way of written submission. As previously mentioned, the applicants own the abutting property located at 529 Broadway Avenue.

As this development variance permit application was submitted prior to June 1st, 2004 staff has grandfathered the application under the previous OCP requirements for this type of development therefore no development variance permit is required at this time.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

RM/AB/rs
Attach.

FACT SHEET

- | | |
|---|---|
| 15. APPLICATION NO.: | DVP04-0056 |
| 15. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | Johan and Reina Van Leening |
| . ADDRESS | 529 Broadway Avenue |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 7M7 |
| 4. APPLICANT/CONTACT PERSON: | Johan and Reina Van Leening |
| . ADDRESS | 529 Broadway Avenue |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 7M7 |
| . TELEPHONE/FAX NO.: | 860-7990 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | May 27, 2004 |
| Date Application Complete: | May 27, 2004 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to APC: | N/A |
| Staff Report to Council: | June 11, 2004 |
| 15. LEGAL DESCRIPTION: | Lot A, District Lot 129, ODYD Plan 9568 |
| 15. SITE LOCATION: | The subject property is located on the corner of Broadway Avenue and Ellis Street across from the entrance to Know Mountain Park. |
| 15. CIVIC ADDRESS: | 515 Broadway Avenue |
| 15. AREA OF SUBJECT PROPERTY: | 872m ² |
| 15. EXISTING ZONE CATEGORY: | RU6 – Two Dwelling Housing |
| 15. TYPE OF DEVELOPMENT PERMIT AREA: | N/A |
| 15. PURPOSE OF THE APPLICATION: | The applicant is seeking to vary the site coverage for accessory buildings from 90m ² permitted to 125m ² proposed to accommodate a secondary suite in an accessory building. |
| 15. 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)

- Subject Property Map
- Site Plan
- Elevations
- Photographs