

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";

3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP04-0022; Lot A. Sec. 26, Sec. 26, O.D.Y.D., Plan 20207, located on Briarwood Road, Kelowna, B.C.;

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

- |                  |   |
|------------------|---|
| Section 8.1.9(B) | Vary Off-Street Vehicle Parking Development Standards, To Permit Parking Located Within A Required Front Yard, And 2.) Section 8.3.3 Off-Street Vehicle Parking Development Standards To Permit The Use Of A Street As An Aisle Access To Parking Spaces, |
| Section 8.1.9(B) | Vary Off-Street Vehicle Parking Development Standards, To Permit Parking Located Within A Required Front Yard, And 2.) Section 8.3.3 Off-Street Vehicle Parking Development Standards To Permit The Use Of A Street As An Aisle Access To Parking Spaces  |

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

## 2.0 SUMMARY

The applicant wishes to construct a new 3 bedroom, 153.3 m<sup>2</sup> addition to an existing 4 unit residential building. The use is consistent with the RM3 – Low Density Multiple Housing zone. However, as the existing parking does not conform to the requirements of the City of Kelowna zoning bylaw, and the proposed new parking is designed to replicate the existing parking layout, the applicant has also made application for a Development Variance Permit to address the non-conforming issues related to the existing and proposed parking area.

### 2.1 Advisory Planning Commission

The above noted applications (DP04-0021/DVP04-0022) were reviewed by the Advisory Planning Commission at the meeting of March 16, 2004 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Development Application No. DP04-0021, 240/252 Briarwood Road, Lot A, Plan 20270, Sec. 26, Twp. 26, ODYD, by Andrew & Lynette De Zwaan, to obtain a Development Permit to allow for construction of 1 additional 153.3 m<sup>2</sup>, 3 bedroom dwelling unit onto the existing 4 unit residential building;

AND THAT Advisory Planning Commission supports Development Variance Application No. DVP04-0022, 240/252 Briarwood Road, Lot A, Plan 20270, Sec. 26, Twp. 26, ODYD, by Andrew & Lynette De Zwaan, to obtain a Development Variance Permit to allow off-street vehicle parking in the front yard setback area for the addition only.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The subject property is located within a neighbourhood that was constructed in the late 1970's. There is a blend of apartment buildings and row houses. The adjacent row houses developed in the neighbourhood were developed with parking in front of each of the dwelling units, with direct access from Briarwood Road.

As a result of the current sewer project related to Specified Area #20, the neighbourhood will be served with sanitary sewer, which will provide an opportunity to increase the building area, as there will no longer be lot area that is required for the on-site sewage disposal system.

This current proposal for building expansion on the subject property, proposes to add a 1,650 SF dwelling unit to the west end of the existing 4 unit building. The building is designed to replicate the same building configuration with parking in the front yard, and with a small amount of landscaping between the grouped parking stalls.

The proposed building addition is designed to be constructed of the same materials and finishes as the existing portion of the building. The wall colour is a "medium green" with a "dark green" trim colour. The gable ends of the roof structures above the entry door are designed to be finished with a natural coloured wood shingle finish.

Because the parking that currently exists on site has direct access to each of the stalls from the public road, and the required parking stalls are located within the required front yard, there has also been an application for a Development Variance permit to authorize the existing non-conforming parking stalls, as well as to permit the additional parking stalls that are required by the new dwelling unit addition.

The proposal as compared to the RM3 zone requirements is as follows:

| CRITERIA                           | PROPOSAL                             | RM3 ZONE REQUIREMENTS   |
|------------------------------------|--------------------------------------|---|
| Site Area (m <sup>2</sup> )        | 1643m <sup>2</sup>                   | 900 m <sup>2</sup>  |
| Site Width (m)                     | 41.73m                               | 30 m  |
| Site Coverage (%)                  | 18.4% buildings<br>34.4% bldg & pvmt | The maximum building site coverage is 40%, provided that the maximum site coverage of buildings, driveways, and parking areas is 50%. |
| Total Floor Area (m <sup>2</sup> ) | 511.9m <sup>2</sup>                  | 821.5 m <sup>2</sup> max @ FAR = 0.5  |
| F.A.R.                             | 0.311                                | FAR = 0.5 max   |
| Storeys (#)                        | 2 storeys (6.05m)                    | 2 ½ Stories (9.5 m) max   |
| Setbacks (m)                       |                                      |   |
| - Front                            | 8.22m                                | 4.5 m (6.0 m from garage or carport)  |
| - Rear                             | 18.2m                                | 7.5 m   |
| - West Side                        | 4.57m                                | 4.0 m for 1 or 1 ½ storey building<br>4.5 m for 2 or 2 ½ storey building  |
| - East Side                        | 4.57m                                | 4.0 m for 1 or 1 ½ storey building<br>4.5 m for 2 or 2 ½ storey building  |
| Parking Stalls (#)                 | 11 stalls provided                   | 2 stall per 3 br unit<br>5 units, 10 stalls required  |
| Private Open Space                 | 442m <sup>2</sup> provided           | 25 m <sup>2</sup> per unit = 125 m <sup>2</sup> req'd   |

**Notes:**

There has been a Development Variance Permit application made to address the existing non-conforming parking configuration with the stalls located in the required front yard and the use of the public street as the access aisle.

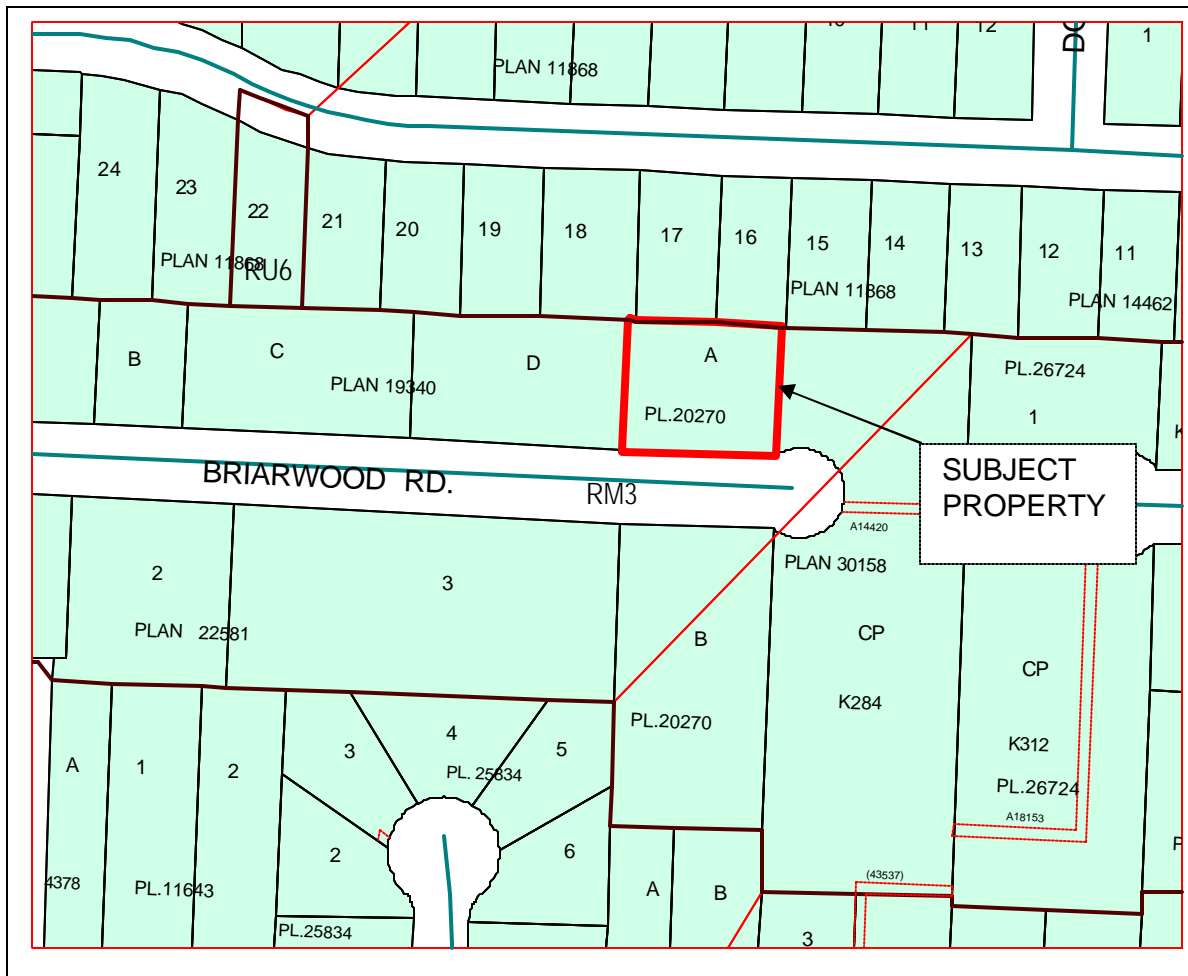
### 3.2 Site Context

The subject property is generally level, and is currently occupied by a 4 unit row house which was constructed in 1970, located adjacent to the east side of the lot. The west side of the subject property is currently vacant, and has been used as an area for a septic system. There is a sewer project which is expected to be completed soon which will serve the neighbourhood with sanitary sewer.

Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing / Single Family housing
- East - RM3 – Low Density Multiple Housing / Townhouse development
- South - RM3 – Low Density Multiple Housing / Briarwood Road
- West - RM3 – Low Density Multiple Housing / Row House development

### SUBJECT PROPERTY MAP



### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan

This proposal is consistent with the Official Community Plan which designates the subject property as Multiple Unit Residential – Low Density future land use.

#### 3.3.2 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the urban form objectives of the Kelowna Strategic Plan which encourages “a more compact urban form by increasing densities through infill and re-development within existing urban areas...”

As well, the City of Kelowna Strategic Plan also encourages the proposed development as follows;

Objective 7.3...

"To ensure that there is a range of housing types and sizes, including socially assisted housing in all major sectors of Kelowna to meet the changing needs of current and future residents."

### 3.3.3 Rutland Sector Plan

This proposal is consistent with the Rutland Sector Plan which designates the subject property as Multiple Family Residential – Low Density future land use.

### 3.3.4 Crime Prevention Through Environmental Design

#### **Natural Surveillance**

- building entrances and exterior doors should be clearly visible from the street or by neighbours;
- all doors that open to the outside should be well-lit;
- all four facades of a building should have windows;
- parking areas should be visible from windows and doors;
- shrubbery should be no more than three feet (one metre) high for clear visibility;
- buildings should be sited so that the windows and doors of one unit are visible from another;

#### **Territorial Reinforcement**

- property lines should be defined by landscaping or fencing which does not create a visual barrier;
- building entrances should create a strong sense of identity and presence on the street with the use of architectural elements, lighting and /or landscaping;
- balconies should be large enough to provide a useable activity area for residents, thereby increasing influence over the adjacent neighbourhood;

## 4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

### 4.1 Aquila Networks Canada (FortisBC)

No Requirements

### 4.2 Fire Department

Engineered fire flows should be required. The existing hydrant at front of property requires upgrade to include a 4 inch port.

### 4.3 Inspection Services Department

No Concerns

4.4 Public Health Inspector

No objection, if connected to community sewer.

4.5 Shaw Cable

Owner/developer to supply and install an underground conduit system as per Shaw Cable drawings and specifications.

4.6 Telus

Will provide underground facilities to this development. Developer will be required to supply and install conduit as per Telus policy.

4.7 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application are as follows:

1. Subdivision.

- a) Provide easements as may be required

2. Geotechnical Study.

- a) Overall site suitability for development.
- b) Presence of ground water and/or springs.
- c) Presence of fill areas.
- d) Presence of swelling clays.
- e) Presence of sulfates.
- f) Potential site erosion.
- g) Provide specific requirements for footings and foundation construction.
- h) Provide specific construction design sections for roads and utilities over and above the City's current construction standards

3. Domestic water and fire protection.

- a) This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection and upgrading costs are to be paid directly to the BMID.
- b) The water system must be capable of supplying domestic and fire flow demands in accordance with the Subdivision & Servicing Bylaw. The applicant must provide water computations for this development to confirm the available water supply.

4. Sanitary Sewer.

- a) The subject property is not currently serviced by the municipal sanitary sewer collection system. It is anticipated that a service will be available by the end of this year.
- b) The developer will be responsible to pre-pay the sanitary sewer area charge for each of the proposed units. The charge is currently set at \$6,940.00 per Equivalent Dwelling Unit created. The total charge is \$24,290.00 (5 x 0.70 = 3.5 Units @ \$6,940.00).

5. Drainage.

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application.

6. Power and Telecommunication Services.

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

7. Road improvements.

As per the dispute resolution of June 8, 2004, the developer is required to make a cash contribution in the amount of \$4,100.00 for the road upgrading to an urban standard along the frontage of the new proposed unit

8. Street lights.

Street lights must be installed on all fronting roads as determined by the Manager of Electrical Utilities.

9. Engineering.

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a consulting civil Engineer and all such work is subject to the approval of the city engineer.

10. Bonding and Levies Summary.

a) Performance Bonding

|                          |                    |
|--------------------------|--------------------|
| Briarwood Road upgrading | <u>\$ 4,100.00</u> |
|--------------------------|--------------------|

b) Levies

|                        |                    |
|------------------------|--------------------|
| Specified Area charges | <u>\$24,290.00</u> |
|------------------------|--------------------|



## 5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The proposed addition represents a reasonable addition to the existing 4 unit building. With the sewer project to supply sanitary sewer service to the neighbourhood, there is the potential for other infill projects in the neighbourhood. The proposed building addition is designed to match the finishes, and form and character of the existing building.

The issue of the parking stalls that are directly accessible from Briarwood Road has been addressed by the associated Development Variance Permit application. While the City of Kelowna Zoning Bylaw contains clauses that prohibit parking in the required front yard of residential developments, and prohibit the use of a public street as an access aisle to parking stalls, there does not seem to exist a reasonable solution to reconfiguring the entire parking lot and building layout. The applicant has had several meetings with City staff with a view to resolve the parking situation. As well, the applicant has proceeded with two levels of disputed resolution to deal with the issue of associated frontage improvements. The layout submitted appears to be the most reasonable solution to the infill development of the subject property.

In light of the above, the Planning and Corporate Services Department supports this application, and recommends for positive consideration by Council.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

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

PMc/pmc  
Attach.

**FACT SHEET**

1. **APPLICATION NO.:** DP04-0021/DVP04-0022
2. **APPLICATION TYPE:** Development Permit  
Development Variance Permit
3. **OWNER:** Andre A. & Nancy L. DeZwaan  
· **ADDRESS** 545 Burne Ave.  
· **CITY/POSTAL CODE** Kelowna, BC V1Y 5P3
4. **APPLICANT/CONTACT PERSON:** Andre DeZwaan  
· **ADDRESS** 545 Burne Ave.  
· **CITY/POSTAL CODE** Kelowna, BC V1Y 5P3  
· **TELEPHONE/FAX NO.:** 762-8774
5. **APPLICATION PROGRESS:**  
Date of Application: February 17, 2004  
Date Application Complete: February 17, 2004  
Servicing Agreement Forwarded to Applicant: June 30, 2004  
Servicing Agreement Concluded: July 5, 2004  
Staff Report to Council: July 7, 2004
6. **LEGAL DESCRIPTION:** Lot A. Sec. 26, Sec. 26, O.D.Y.D., Plan 20207
7. **SITE LOCATION:** North Side of Briarwood Road, East of Rutland Road
8. **CIVIC ADDRESS:** 240-252 Briarwood Road
9. **AREA OF SUBJECT PROPERTY:** 1,463 m<sup>2</sup>
10. **TYPE OF DEVELOPMENT PERMIT AREA:** General Intensive Residential and Multiple Unit DP Area
11. **EXISTING ZONE CATEGORY:** RM3 – Low Density Multiple Housing
12. **PURPOSE OF THE APPLICATION:**  
To Seek A Development Permit To Authorize Construction Of A 153.3 M<sup>2</sup> (1,650 Sf) 3 Bedroom Addition To The Existing 4 Unit Residence, and  
  
To Seek A Development Variance Permit To Vary; 1.) Section 8.1.9(B) Off-Street Vehicle Parking Development Standards, To Permit Parking Located Within A Required Front Yard, And 2.) Section 8.3.3 Off-Street Vehicle Parking Development Standards To Permit The Use Of A Street As An Aisle Access To Parking Spaces

- |  |   |
|--|---|
| <b>13. DEVELOPMENT VARIANCE PERMIT<br/>VARIANCES:</b>  | To Vary;<br>1.) Section 8.1.9(B) Off-Street<br>Vehicle Parking Development<br>Standards, To Permit Parking Located<br>Within A Required Front Yard, And<br>2.) Section 8.3.3 Off-Street Vehicle<br>Parking Development Standards To<br>Permit The Use Of A Street As An<br>Aisle Access To Parking Spaces |
| <b>14. VARIANCE UNDER DEVELOPMENT<br/>PERMIT:</b>      | N/A   |
| <b>15. DEVELOPMENT PERMIT MAP 6.2<br/>IMPLICATIONS</b> | N/A   |

Attachments

Subject Property Map  
Schedule A, B & C (4 pages)