
CITY OF KELOWNA

MEMORANDUM

Date: June 10, 2004

File No.: DVP04-0060

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DVP04-0060

OWNER: ISHA BLUE

AT: 822 LAWRENCE AVENUE

APPLICANT: PETER J. CHATAWAY

PURPOSE: THE APPLICANT IS SEEKING TO VARY THE EASTERN SIDE YARD
SETBACK FROM 2.3M REQUIRED TO 1.54M EXISTING

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

PROPOSED ZONE: RU6b – TWO DWELLING HOUSING WITH BOARDING HOUSE

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No. 9261 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No.
DVP04-0060; Lot 42, Block 15, DL 138, ODYD Plan 262 located on Lawrence
Avenue, Kelowna, B.C.;

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

Section 13.6.6 (d) – RU6 Two Dwelling Housing – Development Regulations:*/

Vary the side yard setback from 2.3m required to 1.54m existing.

2.0 SUMMARY

The applicant is seeking to rezone the subject property from the RU6 – Two Dwelling Housing zone to the RU6b – Two Dwelling Housing with Boarding House zone to accommodate a 7 bedroom boarding house. Due to the proposed change in land-use the applicant is also required to seek a development variance permit to address a non-conforming side yard setback.

3.0 BACKGROUND

2.1 The Proposal

The applicant is seeking to renovate the existing single family dwelling for use as a boarding house. With proposed renovation the applicant is proposing to accommodate a maximum of six occupants in six bedrooms that will be provided. An additional bedroom and living area will also be provided for the owner/manager. Also provided will be 5 parking stalls which will be accessed from the lane at the rear of the property.

The renovation to the existing house will include the addition of three bedrooms and a new kitchen area. The applicant is also proposing to remove the existing garage at the rear of the property in order to accommodate the required number of parking stalls.

The eastern side yard setback for the dwelling is currently non-conforming with regard to the provisions of Zoning Bylaw No.8000. As the applicant is proposing a change in use the applicant is also required to address this non-conformity by way of a development variance permit. The applicant is not proposing to increase the size of the non-conformity. The required side yard setback for a two-storey portion of a building in the RU6b zone is 2.3m. The applicant is seeking to have this setback relaxed to 1.54m which is the existing setback.

The application meets the requirements of the RU6b – Two Dwelling Housing with Boarding House zone as follows:

CRITERIA	PROPOSAL	RU6b ZONE REQUIREMENTS
Lot Area (m ²)	557.4m ²	400m ²
Lot Depth (m)	36.5m	30.0m
Lot Width (m)	15.24m	13.0m
Area of Buildings at Grade	152m ²	223m ²
Setbacks		
Front Yard	4.57m	4.5m
Rear Yard	15.4m	6.0m
Side Yard West	2.0m (to first storey) 2.3m (to 2 nd storey)	2.0m 2.3m
Side Yard East	1.54m ❶	2.3m
Area of Pavement, Accessory Buildings, etc...	275.4m ²	278.7m ²
Site Coverage (%) (Buildings)	27%	40%
Site Coverage (%) (Buildings and paved areas)	49.4%	50%
Private Open Space	107m ²	52.5m ²
Parking Spaces	5	2 stalls – Principal Dwelling 3 stalls – Boarding House (2 per room)
Storeys (#)	2	2.5

❶Note: The applicant is seeking to vary the eastern side yard setback from 2.3m required to 1.54m existing.

2.2 Site Context

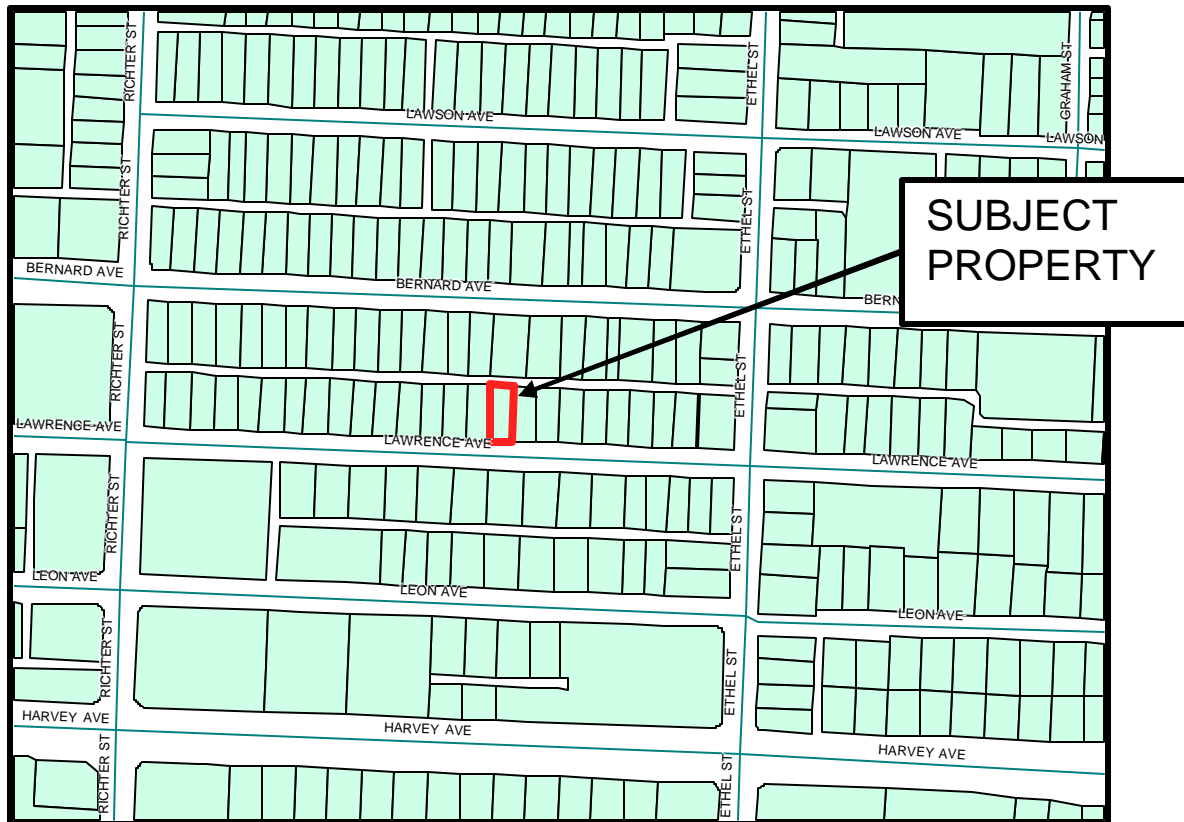
The subject property is located on the north side of Lawrence Avenue between Richter Street and Ethel Street.

Adjacent zones and uses are:

- North - RU6 – Two Dwelling Housing – Single Family Dwelling
- East - RU6 – Two Dwelling Housing – Single Family Dwelling
- South - RU6 – Two Dwelling Housing – Single Family Dwelling
- West - RU6 – Two Dwelling Housing – Single Family Dwelling

2.3 Site Location Map

Subject Property: 822 Lawrence Avenue



4.4 Existing Development Potential

The subject property is currently zoned RU6 – Two Dwelling Housing. The purpose of this zone is to provide a zone for development of a maximum of two dwelling units per lot.

4.5 Current Development Policy

4.5.1 Kelowna Official Community Plan

The future land use designation for the subject property identified in the Official Community Plan is Single / Two Unit Residential. The proposed rezoning is consistent with this future land use designation.

4.5.2 Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan encourages the development of a more compact urban form by increasing densities through infill and redevelopment within existing urban areas and to provide for increased densities within future urban areas.

5.0 TECHNICAL COMMENTS

5.1 Inspection Services

The details for compliance to BC Building Code to be reviewed upon building permit application.

5.2 Works and Utilities

5.2.1 General

The proposed rezoning application does not compromise Works and Utilities requirements.

5.2.2 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.

Water service issues will be reviewed when a Building Permit application including a mechanical plan is submitted. The installation of the new service will be by City forces. The applicant will be responsible for the cost of the new service.

5.2.3 Sanitary Sewer

This property is currently serviced by the municipal sanitary sewer system. The existing 100mm-diameter service will be adequate for the proposed additional suite 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.

5.2.4 Site Related Issues

Ample off-street parking and access is provided from the rear lane.

5.3 Public Health Officer

No objections.

5.4 Fire Department

No objections.

5.5 Bylaw Enforcement Officer

No recent bylaw enforcement issues.

5.6 Ministry of Transportation

No concerns.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns with this development variance permit application. The applicant is not proposing to increase the existing non-conformity and staff are generally supportive of the associated rezoning.

Andrew Bruce
Manager of Development Services

Approved for inclusion ☐

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

RM/AB/rs

FACT SHEET

1. **APPLICATION NO.:** DVP04-0060
2. **APPLICATION TYPE:** Development Variance Permit
3. **OWNER:** Isha Blue
 . **ADDRESS** 822 Lawrence Avenue
 . **CITY** Kelowna, BC
 . **POSTAL CODE** V1Y 6L9
4. **APPLICANT/CONTACT PERSON:** Peter J. Chataway
 . **ADDRESS** 368 Cadder Avenue
 . **CITY** Kelowna, BC
 . **POSTAL CODE** V1Y 5H1
 . **TELEPHONE/FAX NO.:** 861-4907
5. **APPLICATION PROGRESS:**
 Date of Application: April 27, 2004
 Date Application Complete: May 28, 2004
 Servicing Agreement Forwarded to Applicant: N/A
 Servicing Agreement Concluded: N/A
 Staff Report to APC: N/A
 Staff Report to Council: June 10, 2004
6. **LEGAL DESCRIPTION:** Lot 42, Block 15, DL 138, ODYD Plan 262
7. **SITE LOCATION:** The subject property is located on the north side of Lawrence Avenue between Richter Street and Ethel Street.
8. **CIVIC ADDRESS:** 822 Lawrence Avenue
9. **AREA OF SUBJECT PROPERTY:** 557.4m²
10. **AREA OF PROPOSED REZONING:** 557.4m²
11. **EXISTING ZONE CATEGORY:** RU6 – Two Dwelling Housing
12. **PROPOSED ZONE:** RU6b – Two Dwelling Housing with Boarding House
13. **PURPOSE OF THE APPLICATION:** TO REZONE THE SUBJECT PROPERTY FROM THE RU6 – TWO DWELLING HOUSING ZONE TO THE RU6b – TWO DWELLING HOUSING ZONE WITH BOARDING HOUSE
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** N/A
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plans
- Elevations