
CITY OF KELOWNA

MEMORANDUM

Date: August 11, 2004
File No.: DVP04-0047

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DVP04-0047 OWNER: DR. M. RAJABALLY /
MS. M. RAJABALLY

AT: 940 BARTHOLOMEW COURT APPLICANT: DR. M. RAJABALLY

PURPOSE: TO VARY THE REQUIRED LOT DEPTH AND SIDE YARD SETBACK IN
ORDER TO FACILITATE A TWO LOT SUBDIVISION;

EXISTING ZONE: RU1-LARGE LOT HOUSING

REPORT PREPARED BY: MARK KOCH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council NOT authorize the issuance of Development Variance Permit No. 04-0046; Lot 1, Sec. 31, Twp. 29, ODYD, Plan 41690

AND THAT variances to the following section of City of Kelowna Zoning Bylaw No. 8000 NOT be granted:

Section 13: Specific Zone Regulations: RU1 – LARGE LOT HOUSING

Section 13.1.5 (b): Vary the lot depth from 30.00m required to 28.03m proposed;

Section 13.1.6 (d): Vary the side yard setback from 2.00m required to 1.93m proposed

2.0 SUMMARY

The applicant is requesting permission to subdivide the subject property into two RU1-Large Lot Housing single family lots. As part of the subdivision review process, the applicant is requesting that Council grant permission to vary the minimum RU1-Large Lot Housing zone requirements for lot depth for proposed Lot A and the minimum side yard setback for proposed Lot B.

2.1 Advisory Planning Commission

The Advisory Planning Commission at their meeting of May 11, 2004, reviewed the application and the following recommendation was passed:

THAT the Advisory Planning Commission NOT support Development Variance Permit Application No. DVP04-0047, for 940 Bartholomew Court, Lot 1, Plan 41690, Sec 31, Twp. 29, ODYD, by Dr. M.H. Rajabally, to obtain a Development Variance Permit to vary the required lot depth and side yard setback in order to facilitate a two lot subdivision.

3.0 BACKGROUND

3.1 The Proposal

The applicant is requesting a two lot RU1-Large Lot Housing subdivision with lot sizes of 628m² and 707m² for proposed Lot A and Lot B respectively. The applicant is hereby requesting that the following variances be granted:

1. Minimum lot depth requirement of 30m. The requested variance is to allow for a lot depth of 28.03m for the proposed Lot A (see attached subdivision plan).
2. Minimum side yard setback of 2m. The requested variance is to allow for a minimum side yard setback of 1.93m for the existing residence on the proposed Lot B (see attached subdivision plan).

The subject property is situated on the southeast corner of Dehart Road and Bartholomew Court in the North Mission/Crawford sector area of the City. Proposed Lot B would comprise of an existing single detached house, where access to the single detached house would continue to be from the north side of Bartholomew Court. The applicant is proposing to build a one storey single detached house on proposed Lot A, where access to proposed Lot A would be from the east side of Bartholomew Court at the south side of the new lot.

The application compares to the requirements of the City of Kelowna Zoning Bylaw No. 8000 for the RU1-Large Lot Housing zone as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
<i>Proposed Lot A</i>		
Lot Area (m ²)	628m ²	550m ² (min)
Lot Width (m)	22.66m	17m (min) (Corner Lot)
Lot Depth (m)	28.03m	30m (min)
Site Coverage (%)	37%	40 % (max)
Storeys (#)	1	2.5 (max)
Setbacks (m)		
- Front	4.5m	4.5m (min)
- Rear	7.5m	7.5m (min)
- East	2m	2m (min)
- West	4.5m	2m (min)
<i>Proposed Lot B</i>		
Lot Area (m ²)	707m ²	550m ² (min)
Lot Width (m)	22.66m	17m (min) (Corner Lot)
Lot Depth (m)	31.45m	30m (min)
Site Coverage (%)	27%	40 % (max)
Storeys (#)	1.0	2.5 (max)

Setbacks (m)		
- Front	6.94m	4.5m (min)
- Rear	7.5m	7.5m (min)
- East	1.93m	2m (min)
- West	5.6m	2m (min)

Notes:

- ⊇ The applicant is seeking to vary the lot depth from 30.00m required to 28.03m proposed for Lot A, and the minimum side yard setback from 2.00m required to 1.93m proposed for Lot B.

3.0 Site Context

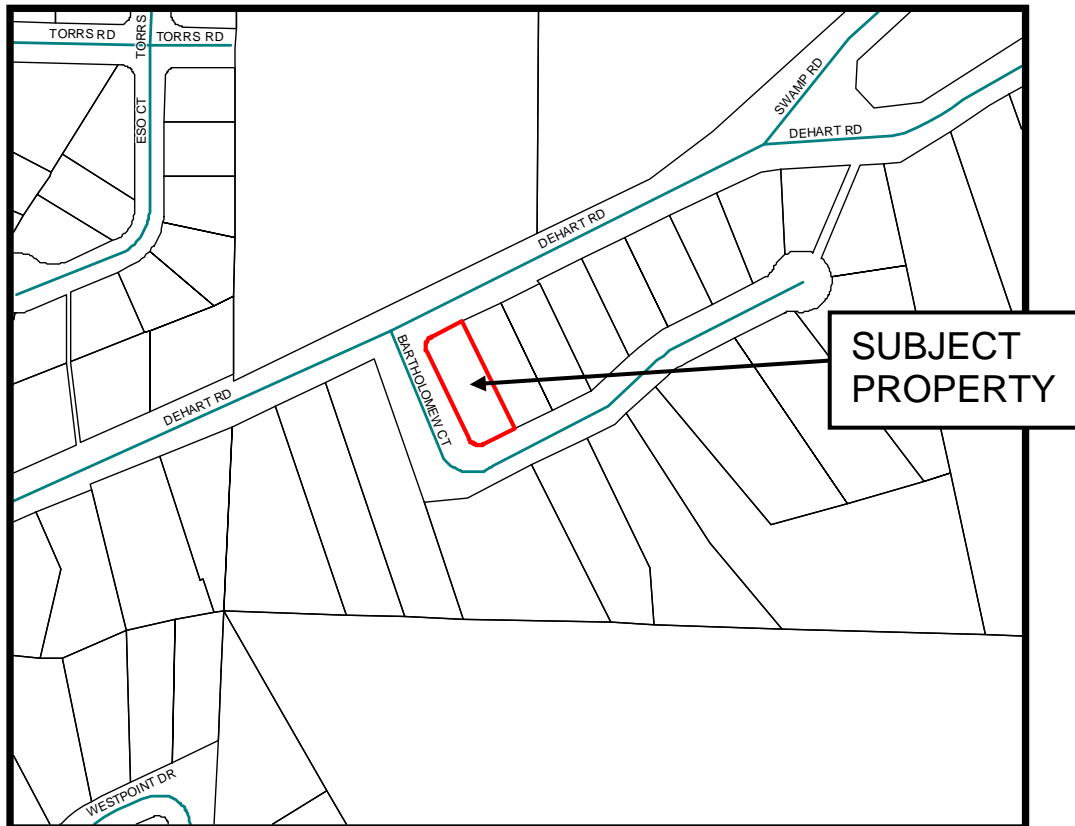
The subject property is situated at the southeast corner of Dehart Road and Bartholomew Court in the North Mission/Crawford sector area of the City.

Adjacent zones and uses are:

- North - A1-Agriculture 1 / Rural
- East - RU1-Large Lot Housing / Single Detached Housing
- South - A1-Agriculture 1 / Rural Residential
- West - A1-Agriculture 1 / Rural Residential

3.1 Map

Subject Property: 940 Bartholomew Court



4.0 Existing Development Potential

4.1 Current Development Policy

4.1.1 Kelowna Official Community Plan

The City of Kelowna Official Community Plan (OCP) designates the future land use of the subject property as Single/Two Family Residential. The OCP housing policies state that the City of Kelowna will develop a more compact urban form, which maximizes the use of existing infrastructure, by increasing densities through infill, conversion, and redevelopment within existing areas and by providing for higher densities within future urban areas. An amendment to the OCP for the future land use designation of the subject property is not required.

4.1.2 City of Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan encourages redevelopment and infill development, while preserving and strengthening established neighbourhoods.

4.1.3 North Mission/Crawford Sector Plan

The North Mission/Crawford Sector Plan designates the future land use of the subject property as Single/Two Family Residential. The Sector Plan states that the City of Kelowna will maintain and enhance the stability and livability of existing neighbourhoods by ensuring that intensification in the form of infill and conversions are consistent with neighbourhood structure and character.

5.0 TECHNICAL COMMENTS

The technical and utility comments will be identified in the Preliminary Layout Review letter issued with the concurrent subdivision application.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

An identical application for Preliminary Subdivision Layout Review and a Development Variance Permit in order to facilitate this subdivision of the subject property was previously considered by the Subdivision Approving Officer and City Council in 1999. The previous Preliminary Layout Review was not considered favourably by the Subdivision Approving Officer, as it was considered that the deposit of this proposed subdivision would be contrary to the public interest, pursuant to Section 85 (3) of the Land Title Act. In particular, given the subject property's location relative to the character of the surrounding neighbourhood, the proposed subdivision was considered unsuited to the configuration of the property being subdivided or to the use intended. Furthermore, the proposed subdivision does not conform to the RU1-Large Lot Housing zoning requirements, with regards to the lot depth for proposed Lot A and required side yard setback for the proposed Lot B. The Planning and Corporate Services Department is in receipt of several letters of formal opposition from property owners living in the Bartholomew Court area.

The previous Development Variance Permit was referred to the Advisory Planning Commission and Council in 1999. This identical application was also not considered favourably by both the Advisory Planning Commission and City Council at that time.

7.0 ALTERNATIVE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. 04-0046; Lot 1, Sec. 31, Twp. 29, ODYD, Plan 41690;

AND THAT variances to the following section of City of Kelowna Zoning Bylaw No. 8000 be granted:

Section 13: Specific Zone Regulations: RU1 – LARGE LOT HOUSING

Section 13.1.4 (b): Vary the lot depth from 30.00 m required to 28.03 m proposed;

Section 13.1.6 (d): Vary the side yard setback from 2.00 m required to 1.93 m proposed

Bob Shaughnessy
Subdivision Approving Officer

Approved for inclusion ☐

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

RGS/MK/mk

Attach.

FACT SHEET

1. **APPLICATION NO.:** DVP04-0047
2. **APPLICATION TYPE:** Development Variance Permit
3. **OWNER:** Dr. M. Rajabally / Ms. M. Rajabally
 - **ADDRESS** 940 Bartholomew Court
 - **CITY** Kelowna, BC
 - **POSTAL CODE** V1W 4N2
4. **APPLICANT/CONTACT PERSON:** Dr. M. Rajabally
 - **ADDRESS** 940 Bartholomew Court
 - **CITY** Kelowna, BC
 - **POSTAL CODE** V1W 4N2
 - **TELEPHONE/FAX NO.:** 250-764-8459
5. **APPLICATION PROGRESS:**
 - Date of Application:** April 23, 2004
 - Date Application Complete:** April 23, 2004
 - Servicing Agreement Forwarded to Applicant:** N/A
 - Servicing Agreement Concluded:** N/A
 - Staff Report to APC:** April 29, 2004
 - Staff Report to Council:** August 11, 2004
6. **LEGAL DESCRIPTION:** Lot 1, Sec. 31, Twp. 29, ODYD, Plan 41690
7. **SITE LOCATION:** The subject property is located on Bartholomew Court, off Dehart Road in the North Mission/Crawford Sector.
8. **CIVIC ADDRESS:** 940 Bartholomew Court
9. **AREA OF SUBJECT PROPERTY:** 1336m²
10. **EXISTING ZONE CATEGORY:** RU1 – Large Lot Housing
11. **PURPOSE OF THE APPLICATION:** To vary the required lot depth and side yard setback in order to facilitate a two lot subdivision
12. **MIN. OF TRANS./HIGHWAYS FILES NO.:** N/A
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY
13. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** N/A