
CITY OF KELOWNA
MEMORANDUM

Date: September 3, 2004
File No.: DVP04-0087
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. DVP04-0087 **OWNER:** Stephen May & Jane May
AT: 955 Clement Avenue **APPLICANT:** Stephen May & Jane May

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY THE SIDE YARD SETBACK FROM 2.3 REQUIRED TO 1.35 M (EAST SIDE) AND 1.61 M (WEST SIDE) PROPOSED.

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

REPORT PREPARED BY: NELSON WIGHT

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP04-0087 for Lot 19, Sec. 30 Twp. 26 O.D.Y.D. Plan 1271, located at 955 Clement Avenue, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The variance granted shall apply to the existing dwelling only. Should the existing dwelling be demolished and a new dwelling constructed, the new dwelling shall meet all Bylaw requirements.

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

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

To vary the minimum side yard setback for a 2 storey portion from 2.3 m required to 1.35 m (east side) and 1.61 m (west side) proposed.

2.0 SUMMARY

The Applicant is proposing to renovate an existing dwelling on this lot, adding a second storey on a portion of the house. Because the existing home is legally non-conforming with regard to the side yard setback requirements, a variance is requested in order to maintain the existing façade lines without stepping back the second storey or altering the building footprint.

3.0 BACKGROUND

3.1 The Proposal

The portion of the house intended for a second floor addition already contains developed living space, but this area is substandard and does not meet code requirements. The homeowners need to replace the roof in this location anyway, and considered it more practical to develop a full second storey to match the roof-line on the rear portion of the house. In order to complete

this renovation and meet the Bylaw requirements, they would need to step this second storey portion back almost 0.95 m (3 feet) from the existing first floor wall, or move the entire east wall by that amount. This application seeks to vary the side yard setback requirement to allow the second storey addition to match the existing wall.

The existing side yard setback on the west side of the property also falls short of Bylaw requirements. Although the proposed renovations have no bearing on this non-conformity, it must be recognized at this time.

The application meets the requirements of the RU6 – Two Dwelling Housing zone as follows:

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Site Area	458 m ² (0.11 ac)	400 m ²
Lot Width	12.19 m	13.0 m
Lot Depth	37.55 m	30.0 m
Site Coverage (buildings)	24%	40%
Site Coverage (driveways and parking)	39%	50%
Total Floor Area	±186 m ² (2,000 ft ²)	n/a
Height	2 storeys / 8.5 m	2 ½ storeys / 9.5 m
SETBACKS		
Front	9.42 m	4.5 m
Side (east)	1.35 m ^A	2.0 m < 1 ½ storey 2.3 m > 1 ½ storey
Side (west)	1.61 m ^B	2.0 m < 1 ½ storey 2.3 m > 1 ½ storey
Rear	12.95 m	7.5 m
OTHER REQUIREMENTS		
Lane-only Access	Vehicular access from street ^C	Vehicular access only permitted from the rear lane

^A The Applicant is requesting to vary this setback requirement.

^B The Applicant is requesting to vary this setback requirement.

^C Vehicular access to the site will be restricted to the lane only.

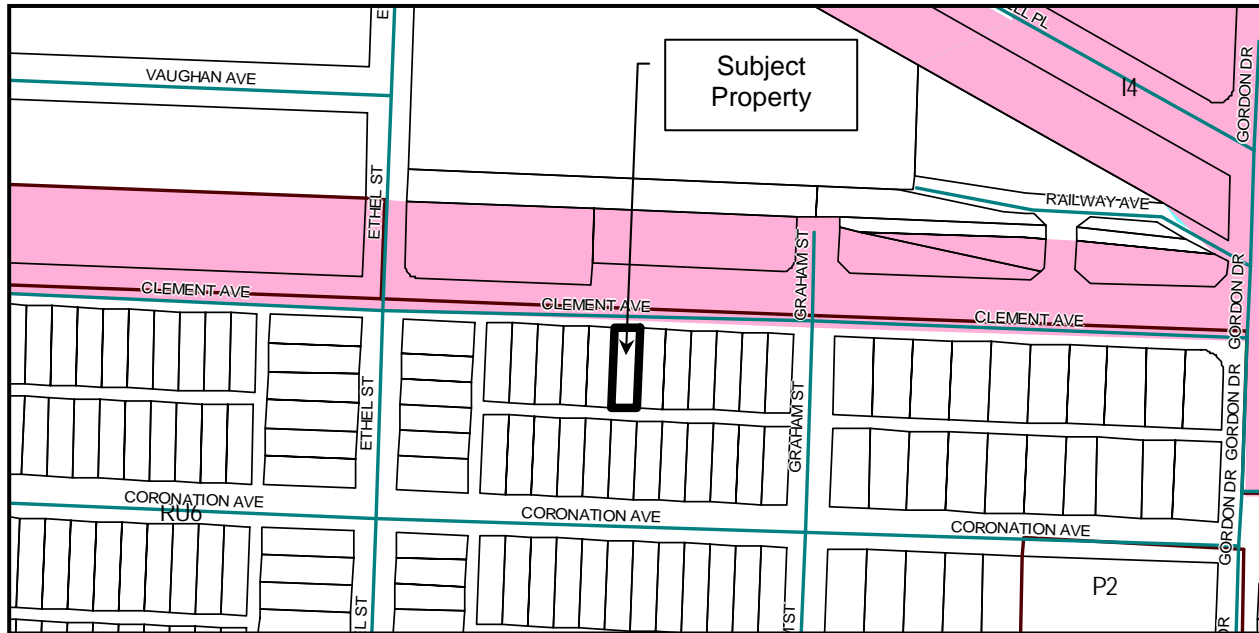
3.2 Site Context

The subject property is located on Clement Avenue, in between Ethel Street and Graham Street. The surrounding area is largely residential, with the north end industrial area lying on the opposite side of Clement. More specifically, the adjacent land uses are as follows:

North	I4 – CENTRAL INDUSTRIAL
East	RU6 - TWO DWELLING HOUSING
South	RU6 - TWO DWELLING HOUSING
West	RU6 - TWO DWELLING HOUSING

3.3 Site Map

Subject Property: 955 Clement Avenue



3.4 Development Potential

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

4.0 TECHNICAL COMMENTS

4.1 Inspection Services

Maximum of 8% window opening of exposing building face on east elevation is allowed for 1.35 m setback . Submit a calculation to verify this at the time of Building Permit.

4.2 Works and Utilities

4.2.1 The subject lot is serviced with a 13mm diameter water service. The Inspection Services Department must determine if the existing service is of sufficient size to provide adequate water for the proposed building addition. If a larger service (19mm) is required, it can be provided by the city at the owner's cost. The existing meter pit shall be removed and the meter relocated within the building.

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

4.2.3 The Development Variance Application to vary setbacks does not compromise Works and Utilities servicing requirements.

4.2.4 Vehicular access to this lot will be restricted to the rear lane.

4.2.5 An adequate dust free on-site parking area must be provided.

5.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

Staff is supportive of this variance application. Varying the side yard setback requirement, in this case, does not appear to worsen the existing situation, since the proposed addition will be no closer to the property line. Furthermore, the addition will present greater continuity between

the two main portions of this dwelling. The Applicant has contacted the neighbour to the east of the property, who is the most affected by this proposed addition, and that neighbour has no concerns (see attached letter in support).

The Applicant should take note of the requirements from the Works and Utilities Department. In particular, vehicular access will be restricted to the lane only.

Staff recommends that Council approve this application as per the recommendation on the first page of this report.

Andrew Bruce
Development Services Manager

Approved for inclusion

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

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FACT SHEET

1. APPLICATION NO.:	DVP04-0087
2. APPLICATION TYPE:	Development Variance Permit
3. OWNER/APPLICANT:	Stephen May & Jane May
ADDRESS	955 Clement Avenue
• CITY	Kelowna, B.C.
• POSTAL CODE	V1Y 7E2
• TELEPHONE	(250) 762-2207
4. APPLICATION PROGRESS:	
Date of Application:	July 21, 2004
Date Application Complete:	July 21, 2004
Servicing Agreement Forwarded to	N/A
Servicing Agreement Concluded:	N/A
APC Meeting:	N/A
Staff Report to Council:	September 3, 2004
6. LEGAL DESCRIPTION:	Lot 19 Sec. 30 Twp. 26 O.D.Y.D. Plan 1271
7. SITE LOCATION:	The subject property is located on Clement Avenue, in between Ethel Street and Graham Street
8. CIVIC ADDRESS:	955 Clement Avenue, Kelowna, BC
9. AREA OF SUBJECT PROPERTY:	458 m ²
10. EXISTING ZONE CATEGORY:	RU6 - TWO DWELLING HOUSING
11. TYPE OF DEVELOPMENT PERMIT AREA:	n/a
13. PURPOSE OF THE APPLICATION:	TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY THE SIDE YARD SETBACK FROM 2.3 REQUIRED TO 1.35 M (EAST SIDE) AND 1.61 M (WEST SIDE) PROPOSED
14. MIN. OF TRANS./HIGHWAYS FILES NO.: NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY	N/A
15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS	N/A

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- State of Title
- Schedule "A" (1 of 2) – Surveyor's Certificate
- Schedule "A" (2 of 2) - Floor plans and elevations
- Landowner's rationale letter
- Affected neighbour letter of support