
CITY OF KELOWNA
MEMORANDUM

Date: September 3, 2004
File No.: DVP04-0079
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. DVP04-0079 **OWNER:** Donald Robertson
AT: 795 Elliot Avenue **APPLICANT:** Donald Robertson

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY THE MINIMUM LOT WIDTH FROM 18.0 M REQUIRED TO 17.14 M PROPOSED FOR A SITE WITH DETACHED HOUSING.

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. DVP04-0079 for Lot 15, D.L. 138 ODYD Plan 3233, located at 795 Elliot Avenue, Kelowna, B.C. subject to the following:

The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";

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

Section 13.6.5: RU6 – Two Dwelling Housing – Subdivision Regulations

Vary the minimum lot width from 18.0 m required to 17.14 m proposed for a site with two principle dwelling units.

2.0 SUMMARY

The Applicant is proposing to move a second single-detached home onto this lot. Although the RU6 – Two Dwelling Housing zone allows such development, there are additional requirements for lot width that the subject parcel does not meet. This application seeks to vary that requirement.

3.0 BACKGROUND

3.1 The Proposal

The subject property is a through-lot, having one existing dwelling with a detached garage. The Applicant proposes to move on a second dwelling, following demolition of the existing garage. Because the lot does not meet the lot width requirements for two dwelling housing, a variance is requested to allow this development to proceed.

If successful, the Applicant will be required to apply for a Development Permit to address the form and character of this two dwelling housing development. At this time, there is limited information relating to the actual dwelling to be moved on to the property. Consequently, Staff

has reviewed this application assuming all other Bylaw requirements can be met including parking, etc.

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

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS FOR DUPLEX HOUSING
Site Area (m ²)	782 m ²	700 m ²
Site Width (m)	17.14 m ^A	18.0 m
Site Coverage (%)	< 40%	40%
Site Coverage (building, parking, and driveways)	< 50%	50%
Storeys (#)	1 and 2 storeys	2 ½ storeys
Height (m)	< 9.5 m	9.5 m
Setbacks (m)		
- Front (Elliot Ave.)	7.78 m	4.5 m or 6.0 m from a garage or carport
- Front (Copeland Place)	6.0 m	4.5 m or 6.0 m from a garage or carport
- Side (east)	2.3 m	2.0 m (1 ½ storey) 2.3 m (2 ½ storey)
- Side (west)	2.21 m	2.0 m (1 ½ storey) 2.3 m (2 ½ storey)
Other requirements		
Parking Stalls (#)	4 spaces	2 per dwelling unit
Private Open Space	> 30 m ²	30 m ² of private open space per dwelling

^A The Applicant is requesting a variance to lot width from 18.0 m required to 17.14 m proposed.

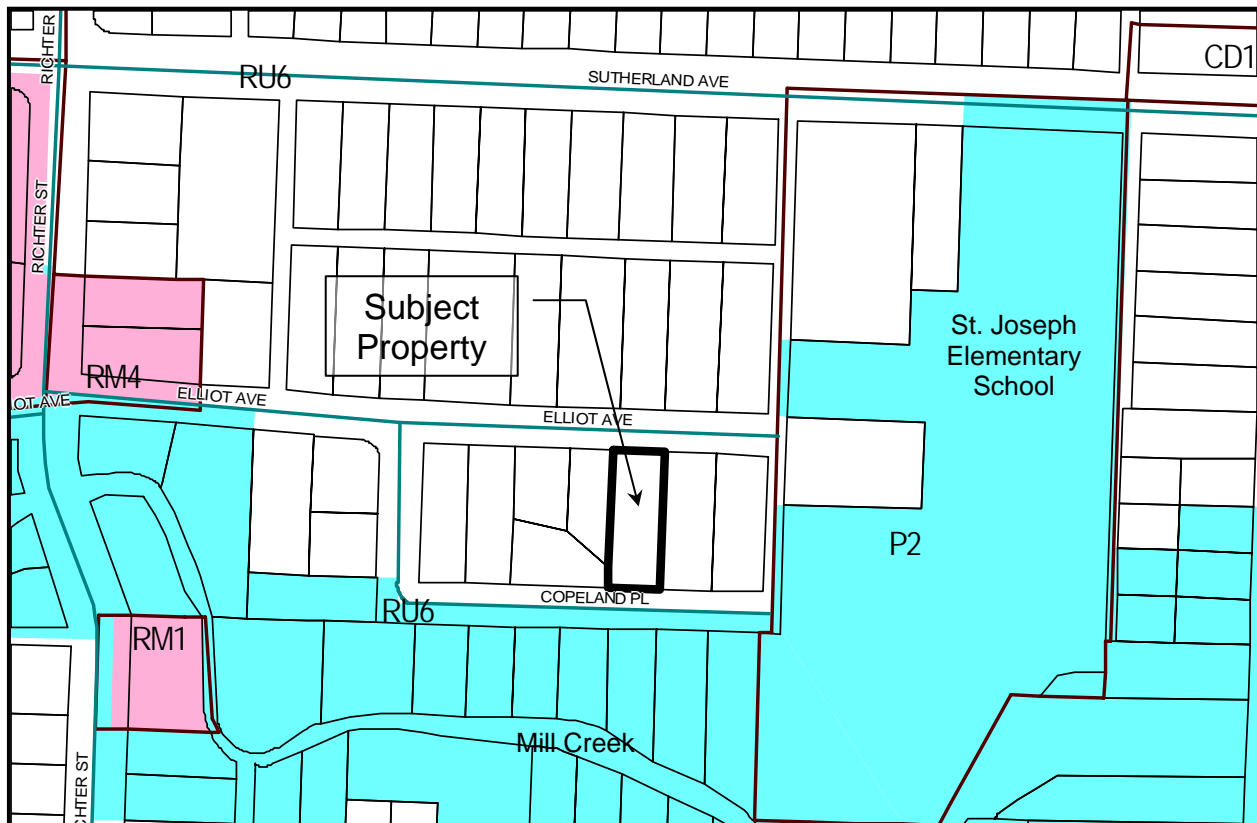
3.2 Site Context

The subject property is a double fronting lot, in between Elliot Avenue and Copeland Place, ½-block north of Mill Creek, and one block east of Richter street. The surrounding area is largely residential, with St. Joseph Elementary School located just east of the subject property at the east end of Elliot Avenue. More specifically, the adjacent land uses are as follows:

North	RU6 – TWO DWELLING HOUSING
East	RU6 - TWO DWELLING HOUSING
South	RU6 - TWO DWELLING HOUSING
West	RU6 - TWO DWELLING HOUSING

3.3 Site Map

Subject Property: 795 Elliot 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 Fire Department

No concerns.

4.2 Inspection Services

No concerns.

4.3 Works and Utilities

4.3.1 Domestic Water and Fire Protection

The existing lot is serviced with a 13mm diameter water services. Water service upgrades will be required and can be provided by City forces at the owner's cost. Water service issues will be reviewed by Inspection Services when a Plumbing Permit application is obtained.

Decommissioning and removal of any unused water service will be by City forces at the applicant's cost.

4.3.2 Sanitary Sewer

The existing lot is serviced with a 100mm-diameter sanitary sewer service, which should be adequate for the proposed application. If the existing sanitary service is

retained, an inspection chamber (IC) must be installed on the service at the owner's cost as required by the sewer-use bylaw.

4.3.3 Development Permit and Site Related Issues

The requested Variance to reduce the required lot width from 18.00m to 17.14m does not compromise Works and Utilities servicing requirements.

Adequate on-site parking must be provided.

5.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

Staff considers that the proposed redevelopment of this site makes efficient use of these lots through sensitive infill design that appears to be compatible with the surrounding neighbourhood. With each lot proposed to have two principal dwelling units, there is a future possibility for a strata subdivision on each lot. In essence, therefore, each lot may function as two separate real estate entities, and Staff have reviewed the application in light of this potential reality.

The Applicant should take note of the requirements from the Works and Utilities Department. Furthermore, it should be noted that the actual redevelopment of this site through the addition of a second single detached dwelling will require a development permit application to address the form and character of the proposed second home.

Due to consistency of this application with the City of Kelowna Official Community Plan, Staff recommends that Council approve this application as per the recommendation on the first page of this report. It should be noted that the two lots to the east of the subject property have been developed in a similar manner with similar development variance permits having been approved by Council.

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.:	DVP04-0079
2. APPLICATION TYPE:	Development Variance Permit
3. OWNER/APPLICANT:	Donald Robertson
ADDRESS	569 Eldorado Road
• CITY	Kelowna, B.C.
• POSTAL CODE	V1W 1G7
• TELEPHONE	(250) 764-7446
4. APPLICATION PROGRESS:	
Date of Application:	June 29, 2004
Date Application Complete:	June 29, 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 15 D.L. 138 O.D.Y.D. Plan 3233
7. SITE LOCATION:	The subject property is a double fronting lot, in between Elliot Avenue and Copeland Place, ½-block north of Mill Creek, and one block east of Richter street.
8. CIVIC ADDRESS:	795 Elliot 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