
CITY OF KELOWNA MEMORANDUM

Date: November 25, 2004
File No.: DVP04-0129
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO.	DVP04-0129	APPLICANTS:	Ron Egert & Elmer Eidse
AT:	569 Elliot Ave. 579 Elliot Ave.	OWNERS:	Ronald Egert Elmer Eidse & Virginia Eidse

PURPOSE: VARY THE MINIMUM LOT WIDTH FROM 18.0 M REQUIRED TO 14.7 M PROPOSED FOR A SITE WITH DETACHED HOUSING;
VARY THE MINIMUM REAR YARD SETBACK FROM 7.5 M REQUIRED TO 4.5 M OR 7.2 M FROM A GARAGE OR CARPORT;
ALLOW VEHICULAR ACCESS FROM ELLIOT AVENUE TO PORTIONS OF THE DEVELOPMENT, WHERE NONE IS PERMITTED, BECAUSE THE DEVELOPMENT HAS ACCESS TO A REAR LANE.

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. DVP04-0129 for Lot C, District Lot 14 ODYD Plan KAP76215, located at 569 Elliot 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 exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Naming of the lane at the rear of the subject properties;
4. A well-lit, well-marked pathway to be provided between Elliot Avenue and the entrance to each of the rear units, and this pathway should not be impeded by fences or landscaping.

AND THAT Council authorize the issuance of Development Variance Permit No. DVP04-0129 for Lot D, District Lot 14 ODYD Plan KAP76215, located at 579 Elliot 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 exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Naming of the lane at the rear of the subject properties;
4. A well-lit, well-marked pathway to be provided between Elliot Avenue and the entrance to each of the rear units, and this pathway should not be impeded by fences or landscaping.

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

Section 13.6.5(b): RU6 – Two Dwelling Housing – Subdivision Regulations

Vary the minimum lot width from 18.0 m required to no less than 14.7 m proposed for a site with two principle dwelling units;

Section 13.6.6(e): - Development Regulations

Vary the minimum rear yard setback from 7.5 m required to 4.5 m or 7.2 m from a garage or carport;

Section 13.6.7(f) – Other Regulations

Vary the requirement that vehicular access to the development be permitted from the rear lane only, to allow access from both the rear land and Elliot Avenue.

2.0 SUMMARY

This application seeks only to amend an approval granted under application No. DVP04-0030. If successful, the Applicants would be able to build two storey-homes at the rear of these lots, where the previously approved drawings showed 1 and 1 ½-storey homes.

The variances requested are the same as those granted under the previous application, as listed above.

3.0 BACKGROUND

3.1 The Proposal

Under the previous application, the Applicants were granted an approval for the above three variances to Zoning Bylaw No. 8000, subject to the condition that they build according to the drawings submitted. Unfortunately, the implications of this condition of approval were not fully clear to the Applicants. Upon submission of their building permits for these lots, they were surprised to learn that they could not build according to the maximum allowable height within the RU6 zone (2 ½-storeys or 9.5 m).

The Applicants have, therefore, resubmitted drawings for these two lots, showing single family dwellings that are two storeys in height. Aside from this amendment to the drawings, there is no change in this application from the previously approved application.

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

LOT C PLAN KAP76215 (569 ELLIOT)		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Site Area (m ²)	702 m ² (proposed)	700 m ²
Site Width (m)	14.7 m (proposed) ^A	18 m
Site Coverage (%)	<40%	40%
Site Coverage (building, parking, and driveways)	<50%	50%
Storeys (#)	2 storey	2 ½ storeys
Height (m)	6.9 m	9.5 m
Setbacks (m)		
- Front	6.0 m	6.0 m
- Rear	7.2 m ^B	6.0 m (1 ½ storey) 7.5 m (2 ½ storey)
- Side (east)	2.3 m	2.0 m (1 ½ storey) 2.3 m (2 ½ storey)
- Side (west)	2.3 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
Access to Elliot	Does not meet this requirement ^C	Where the development has access to a rear lane, vehicular access to the development is only permitted from the rear lane.

LOT D PLAN KAP76215 (579 ELLIOT)		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Site Area (m ²)	739 m ² (proposed)	700 m ²
Site Width (m)	15.0 m (proposed) ^A	18 m
Site Coverage (%)	36%	40%
Site Coverage (building, parking, and driveways)	42%	50%
Storeys (#)	2 storeys	2 ½ storeys
Height (m)	7.5 m	9.5 m
Setbacks (m)		
- Front	6.0 m	6.0 m
- Rear	7.2 m ^B	6.0 m (1 ½ storey) 7.5 m (2 ½ storey)
- Side (east)	2.3 m	2.0 m (1 ½ storey) 2.3 m (2 ½ storey)
- Side (west)	2.3 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
Access to Elliot	Does not meet this requirement ^C	Where the development has access to a rear lane, vehicular access to the development is only permitted from the rear lane.

^A The Applicant is seeking to vary the minimum lot width for two single detached housing units from 18.0 m required to no less than 14.7 m proposed.

^B The Applicant is seeking to vary the minimum rear yard setback from 7.5 m required to 4.5 m or 7.2 m from a garage or carport.

^C The Applicant is seeking to vary this requirement, such that the vehicular access to Elliot remains.

3.2

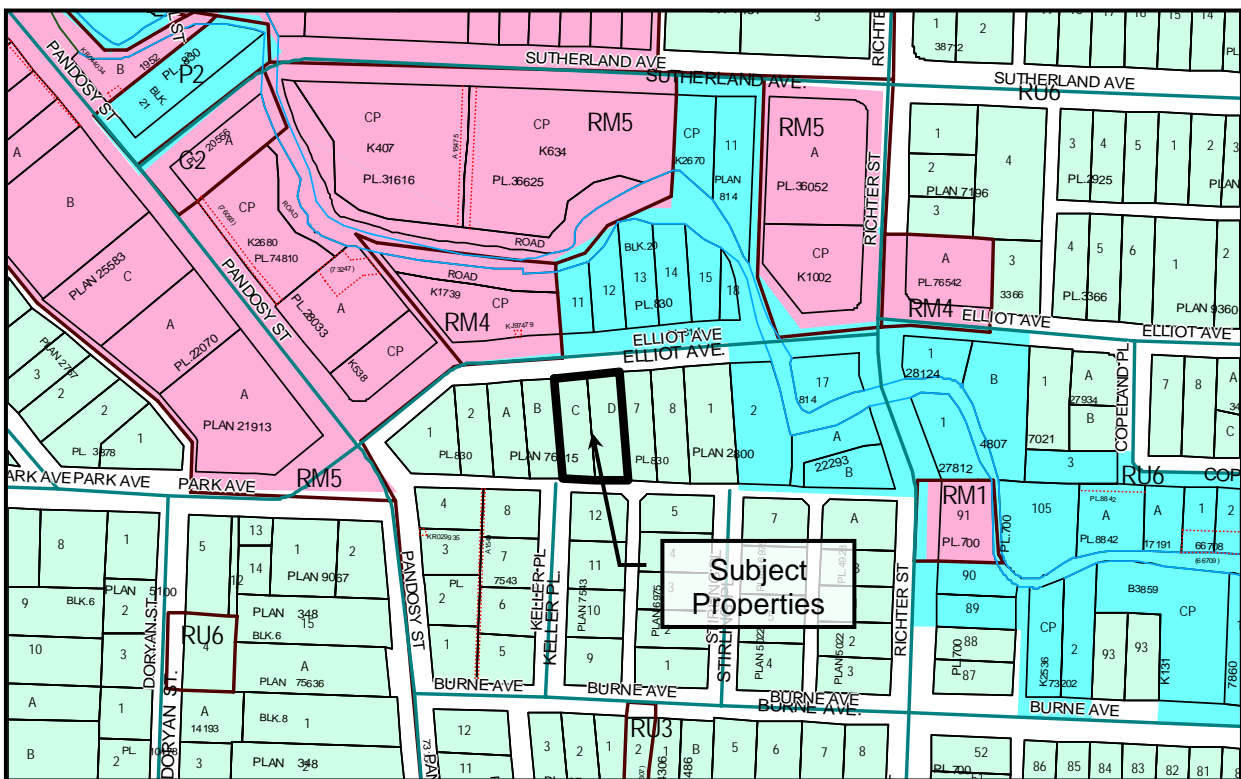
Site Context

The subject properties are located on Elliot Avenue, in between Richter Street and Pandosy Street. Mill Creek comes within approximately 40 m of the project site before winding north across Elliot. The surrounding area is residential, with a mix between single- and two-family, and multifamily residential development. More specifically, the adjacent land uses are as follows:

North-	RM5 – Medium Density Multiple Housing RM4 – Transitional Low Density Housing RU6 – Two Dwelling Housing
East	RU6 – Two Dwelling Housing RM4 – Transitional Low Density Housing
South	RU6 – Two Dwelling Housing
West	RU6 – Two Dwelling Housing RM5 – Medium Density Multiple Housing RM4 – Transitional Low Density Housing

Site Location Map

Subject properties: 569 and 579 Elliot Ave.



3.3 Current Development Policy

3.3.1 City of Kelowna Strategic Plan (1992)

One of the objectives of the Strategic Plan is “to develop a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban areas” (Objective 1.1). The proposal is consistent with these objectives and with their accompanying strategies.

3.3.2 Kelowna Official Community Plan (OCP)

The proposal is consistent with the future land use designation of Single and Two Family Residential Development in the Official Community Plan.

4.0 TECHNICAL COMMENTS

4.1 Fire Department

Fire hydrant to be located in the lane as per past application.

4.2 Shaw Cable

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

4.3 Telus

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

4.4 Works and Utilities

4.4.1 Domestic Water and Fire Protection

The existing hydrant coverage does not provide adequate fire protection for the proposed dwelling units fronting the lane. Watermain construction and installation of a new hydrant will be required. The estimated cost of this work for bonding purposes is \$23,800.00

4.4.2 Road Improvements

The rear lane must be upgraded to a paved standard including a drywell and catchbasin. The estimated cost of this work for bonding purposes is \$21,200.00.

4.4.3 Electric Power and Telecommunication Services

The development site is within the Urban Town Center. Electrical and telecommunication services to the properties must be installed in an underground duct system. The proposed buildings must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

4.4.4 Bonding and Levy Summary

Watermain construction and hydrant installation	\$23,800.00
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Lane upgrades	\$21,200.00
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Total bonding amount	\$45,000.00
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NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated by 130% to include contingency protection and are provided for information purposes only. Bonding for required off-site construction must be provided as a condition of subdivision approval or building permit issuance, and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City prior to issuance of a building permit.

4.4.5

Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site works must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked “issued for construction” by the City Engineer before construction may begin.

4.4.6 Site Related Issues

The lot width and side yard Development Variance Permit Application does not compromise Works and Utilities requirements.

4.4.7 Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as 3% of the total off-site construction costs, not including design. 7% GST will be added.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT 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 principle 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.

Due to consistency of this application with the City of Kelowna Official Community Plan, and given that the safety and servicing concerns appear to have been met, Staff is recommending support of this application.

Andrew Bruce

Manager of Development Services

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP

Director of Planning & Corporate Services

NW/nw

Attach.

FACT SHEET

1. APPLICATION NO.:	DVP04-0129
2. APPLICATION TYPE:	Development Variance Permit
3. OWNER LOT C / APPLICANT:	Ronald Egert
•ADDRESS	4 – 452 Glen Pine Court
•CITY	Kelowna, B.C.
•POSTAL CODE	V1V 1W7
•TELEPHONE	(250) 317-7756
4. OWNERS LOT D:	Elmer Eidse & Virginia Eidse
• ADDRESS	4961 Lakeshore Road
• CITY	Kelowna, B.C.
• POSTAL CODE	V1Y 4H9
5. APPLICATION PROGRESS:	
Date of Application:	October 6, 2004
Date Application Complete:	October 6, 2004
Staff Report to Council:	November 8, 2004
6. LEGAL DESCRIPTION:	Lot C, District Lot 14 ODYD Plan KAP76215 Lot D, District Lot 14 ODYD Plan KAP76215
7. SITE LOCATION:	On Elliot Avenue, between Richter Street and Pandosy Street.
8. CIVIC ADDRESS:	569 Elliot Ave. 579 Elliot Ave.
9. AREA OF SUBJECT PROPERTY (following successful completion of a lot line adjustment):	Lot C – 702 m ² Lot D – 738 m ²
10. EXISTING ZONE CATEGORY:	RU6 Two Dwelling Housing
11. TYPE OF DEVELOPMENT PERMIT AREA:	n/a
12. PURPOSE OF THE APPLICATION:	VARY THE MINIMUM LOT WIDTH FROM 18.0 M REQUIRED TO 14.7 M PROPOSED FOR A SITE WITH DETACHED HOUSING; VARY THE MINIMUM REAR YARD SETBACK FROM 7.5 M REQUIRED TO 4.5 M OR 7.2 M FROM A GARAGE OR CARPORT; ALLOW VEHICULAR ACCESS FROM ELLIOT AVENUE TO PORTIONS OF THE DEVELOPMENT, WHERE NONE IS PERMITTED, BECAUSE THE DEVELOPMENT HAS ACCESS TO A REAR LANE;

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- State of Title (Lots C and D)
- Site Plan (Schedule “A”)
- Elevations (Schedule “B”)