
CITY OF KELOWNA

MEMORANDUM

Date: November 1, 2004
File No.: DVP04-0118

To: CITY MANAGER

From: PLANNING AND CORPORATE SERVICES DEPARTMENT

Subject:

APPLICATION NO. DVP04-0118
AT: 715 Sutherland Avenue

OWNER: Daniel Spelliscy
APPLICANT: Peter Chataway

PURPOSE: TO OBTAIN A VARIANCE TO ALLOW A REAR YARD SETBACK OF 3.12 METRES TO THE PROPOSED TWO STOREY ADDITION WHERE 7.5 METRES IS REQUIRED.

TO OBTAIN A VARIANCE TO LEGALIZE THE EXISTING BUILDING HEIGHT OF 3 ½ STORIES/11.2 METRES WHERE ONLY 2 ½ STORIES/9.5 METRES IS PERMITTED

TO OBTAIN A VARIANCE TO LEGALIZE THE EXISTING DRIVEWAY ACCESS FROM SUTHERLAND AVENUE WHERE VEHICULAR ACCESS TO THE DEVELOPMENT IS ONLY PERMITTED FROM THE REAR LANE.

REPORT PREPARED BY: KEIKO NITTEL

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit DVP04-0118; Lot 4, DL138, ODYD, Plan 7196, located on Sutherland 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. The applicant be required to remove of the additional kitchens to the satisfaction of the Inspection Services Department prior to final inspection of the addition.

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

Section 13.6.6(b) RU6- Two Dwelling Housing

A variance to legalize the existing non-conforming height of 3 ½ stories/11.2 metres where only 2 ½ stories/ 9.5 metres is permitted.

Section 13.6.6(e) RU6- Two Dwelling Housing

A variance to allow a rear yard setback of 3.12 metres where 7.5 metres is required.

Section 13.6.7(f) RU6- Two Dwelling Housing

A variance to allow vehicular access from Sutherland Avenue where, when development has access from a lane, vehicular access is only permitted from the lane.

2.0 SUMMARY

The building was converted in the 1950's into from single dwelling housing to apartment housing, currently a legal non-conforming use. The applicant intends on renovating and restoring the building for use as a single unit. The renovation of the building includes the construction of a new window located at the rear of the site. The applicant is applying for variances to facilitate the both construction of an addition with a rear yard setback of 3.12 metres where 7.5 metres is required as well in order to legalize the existing non-conforming height of the house and the front driveway access from Sutherland Avenue.

3.0 COMMUNITY HERITAGE COMMISSION

The application has been considered by the Community Heritage Commission at the meeting of September 14, 2004, and the following resolution was passed:

THAT the Community Heritage Commission supports the Development Variance Permit Application DVP04-0118 commend the applicant and owner for their research and for restoring this to a single family dwelling.

4.0 BACKGROUND

The building located on the subject property is identified on the heritage registrar as the Charles Harvey House. The house, constructed in 1906 as a single dwelling home, was converted in the mid 1950's into several apartment units. The owner of the property now wishes to restore the building to its original use as a single dwelling. As part of the renovations of the building, the owner is proposing to construct an addition at the rear of the existing house. The two storey addition will house a double car garage, exercise room and washroom on the lower level with two bedrooms, a lounge, a computer nook, and a washroom located above. A variance is required to allow a rear yard setback of 3.12 metres where 7.5 metres is required. In addition, prior to the final inspection of the addition, that the apartment housing is removed. The applicant will therefore be required to remove the additional kitchens located throughout the building.

4.1 Proposal

The application compares to the requirements the City of Kelowna Zoning Bylaw No. 8000 for RU1 zones as follows:

CRITERIA	PROPOSAL	RU6 ZONE REGULATIONS
Site Area (m ²)	1950.7 m ²	400m ² (440m ² corner lot)
Site Width (m)	32.0m	13.0 (15.0m corner lot)
Site Depth (m)	60.7m	30.0m
Site Coverage of Buildings (%)	16.0%	40%
Site Coverage including blds, driveways, and parking (%)	36.8%	50%
Parking Stalls (#)	8 plus front driveway	3
Parking Stall Size - width - depth	3.2m 7.6m	2.5 m/ 2.7 m/3.0 m width 6.0m or 5.0m small car (max. 1 space) ***an additional 1.2 depth required if directly accessed from lane.
Driveway/Parking Access	Driveway access from Sutherland & Lane❶	if lane available, parking/driveway must be accessed from lane
Principal Building (House)		
Setbacks (m):		
- Front	30.0m approx.	4.5m
- Rear	3.12m ❷	7.5m
- Side	9.4m	2.3 m
- Side	2.3m	2.3 m
Height (m)	11.2m (existing) 2.5 storeys❸ 7.1m (new) 2 storeys	9.5m/ 2.5 storeys
Accessory Building		
Size (footprint) of Accessory Building (m ²)	50.2m ²	90.0m ²
Height (m)	4.5 m max.	4.5m
Spatial Separation	3.96m	1.0m from principal building
Setbacks (m):		
- Rear	1.8m	1.5 m
- Side	1.5m	1.0m
- Side	1.5m	1.0m

❶ Where development has access to a rear lane, vehicular access to the development is only permitted from the rear lane. A variance is therefore required to legalize the existing front driveway access from Sutherland Avenue.

❷ A variance is required to allow a rear yard setback of 3.12 metres to the proposed two storey addition where 7.5 metres is required.

❸ The height of the existing building is 11.2 metres. A variance is required to legalize the existing height where under the current Zoning Bylaw only 9.5 metres is permitted.

4.2 Site Context

The subject property is located on Sutherland Avenue between Richter Street and Ethel Street.

Adjacent zones and uses are:

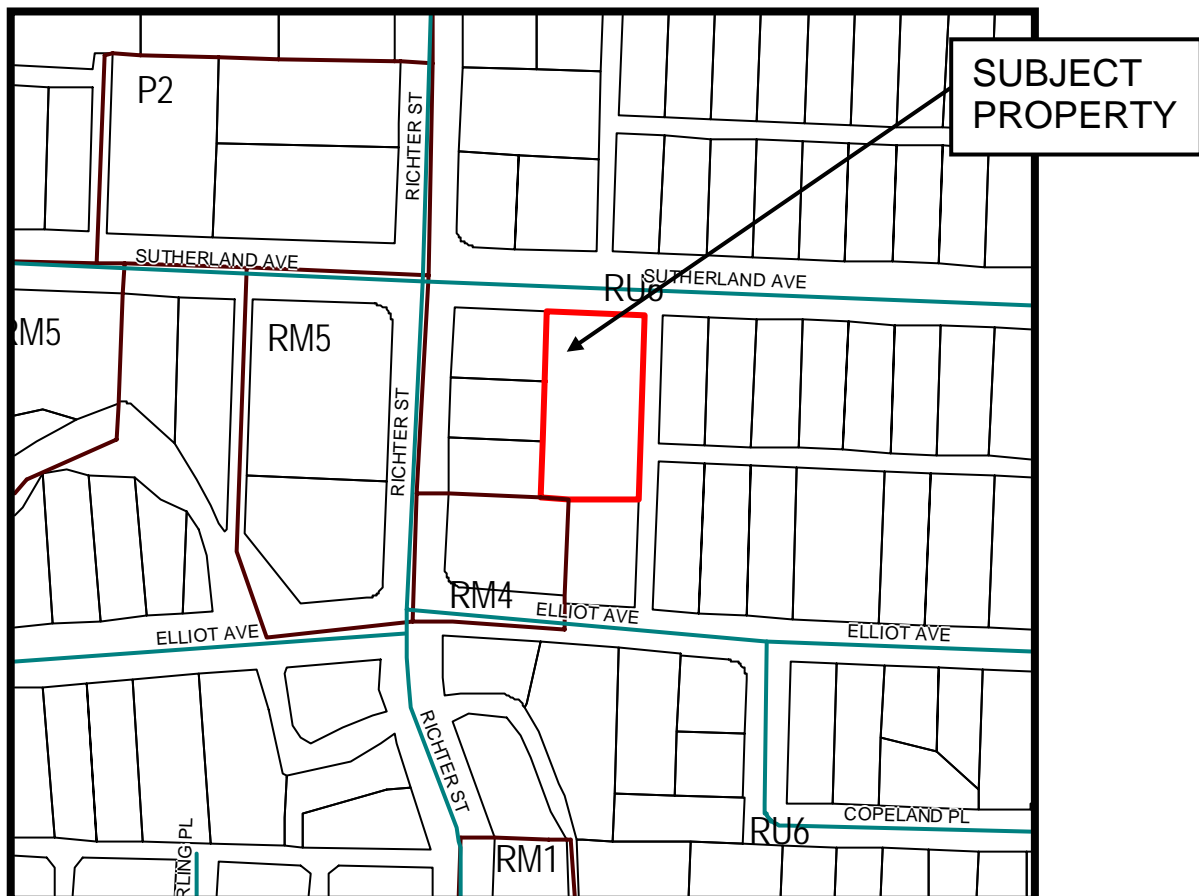
North - RU6 – Two-Dwelling Housing
East - RU6 – Two-Dwelling Housing
South - RU6 – Two-Dwelling Housing
West - RU6 – Two-Dwelling Housing

4.5 Existing Development Potential

The property is zoned RU6 – Two Dwelling Housing. The purpose of the zone is to provide for development of a maximum of two dwelling units per lot. Principal uses in the zone include single dwelling housing and two dwelling housing. The listed secondary uses are bed and breakfast homes, boarding or lodging houses, care centres (minor), group homes (minor), home based businesses (major and minor), and secondary suites.

4.4 Site Location Map

Subject Property: 715 Sutherland Avenue



5.0 CURRENT DEVELOPMENT POLICY

5.1 City of Kelowna Strategic Plan (1992)

Kelowna Strategic Plan encourages the preservation of important heritage buildings and areas within the city (Objective 1.6). The Strategic Plan also encourages the development of a more compact urban form by increasing densities through infill and re-development within existing urban areas and providing for higher densities within future urban areas (Objective 1.1). The proposal is consistent with these objectives.

5.2 Kelowna Official Community Plan

The proposal is consistent with the designation of Single/Two Family Residential in the Official Community Plan future land use designation. The Single/Two Family Residential designation covers single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached buildings used for two dwelling units, and complementary uses (OCP, Chapter 8). The property is currently zoned RU6- Two Dwelling Housing with the apartment housing a legal non-conforming use within the building. The applicant intends on restoring the building into a single detached dwelling, and therefore restoring a use that is consistent with the Future Land Use Designation and Zoning.

6.0 TECHNICAL COMMENTS

6.1 Fire Department

Fire hydrants and Fire access as per BC Building Code. Fire flows as per City of Kelowna Subdivision By Law.

6.2 Parks Department

No comment.

6.3 Inspection Services

No comments.

6.4 Works & Utilities

The Works & Utilities Department have the following requirements associated with this application.

6.4.1 Domestic Water and Fire Protection

This property is currently serviced with a 13mm-diameter copper water service. Adequate metered water service must be provided to meet current by-law requirements. The larger service can be provided by the City at the owner's cost. Should the existing meter be installed in a pit, the meter shall be removed and relocated within the building.

6.4.2 Sanitary Sewer

There is an existing 100mm-diameter sanitary sewer service to the proposed facility that may be retained.

6.4.3 Storm Drainage

There is no storm drainage service for this lot.

6.4.4 Development Variance Permit and Site Related Issues

The requested rear yard setback variance does not compromise Works and Utilities servicing requirements.

Adequate dust-free, hard surface off-street parking must be provided.

Direct the roof drains and parking area drainage into on-site rock pits. This will help dissipate the storm water and prevent additional concentrated flows onto the rear lane.

7.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

Staff has no concerns with the proposed variances. In general, it appears that the building addition and rear yard improvements will enhance the appearance of the back yard area and will not infringe on the privacy and enjoyment of neighbouring properties. The remaining variances are required in order to legalize the existing height of the building and front driveway access.

The building addition has been designed in such a way that respects the character of the existing heritage home. The applicant is encouraged to provide fencing and landscaping along the rear property line in order to mitigate the impact of the proposed addition on the property to the south. Staff acknowledges that the proposed addition will face an existing detached garage located at the rear of the adjacent property. The proposed addition therefore should have little visual impact on the adjacent property. The applicant has provided letters of support from the adjacent neighbours.

By his own volition, the property owner has made application to designate the house as a municipal heritage building. While the applications for heritage designation and the subject development variance permit application are being processed concurrently, the two applications are independent of each other and should be considered each by their own merit. Staff, however, commend the applicant for intentions to restore the Charles Harvey House and return the building to its original use as a single dwelling. However, Staff are somewhat concerned that the applicant has indicated that the building will be restored to a single detached dwelling yet eight parking spaces, in addition to the front driveway, are being proposed. Prior to final inspection of the addition, the applicant will be required to ensure that all of the existing suites are removed.

Andrew Bruce
Development Services Manager

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

KN/kn
Attach.

FACT SHEET

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|---|---|
| 1. APPLICATION NO.: | DVP04-0118 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | Daniel Spelliscy |
| • ADDRESS | 715 Sutherland Avenue |
| • CITY | Kelowna, BC |
| • POSTAL CODE | V1Y 1A3 |
| 4. APPLICANT/CONTACT PERSON: | Peter Chataway |
| • ADDRESS | 368 Cadder Avenue |
| • CITY | Kelowna, BC |
| • POSTAL CODE | V1Y 5N1 |
| • TELEPHONE/FAX NO.: | 763-1334 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | September 9, 2004 |
| Date Application Complete: | September 9, 2004 |
| Staff Report to Council: | October 28, 2004 |
| 6. LEGAL DESCRIPTION: | Lot 4, DL138, ODYD, Plan 7196 |
| 7. SITE LOCATION: | The subject property is located on Sutherland Avenue between Richter and Ethel Streets. |
| 8. CIVIC ADDRESS: | 715 Sutherland Avenue |
| 9. AREA OF SUBJECT PROPERTY: | 1950.7 m2 |
| 10. EXISTING ZONE CATEGORY: | RU6 – Two Dwelling Housing |
| 11. PURPOSE OF THE APPLICATION: | To obtain a variance to legalize the existing front driveway access from Sutherland Avenue Where development has access to a rear lane, vehicular access to the development is only permitted from the rear lane. |
| | To obtain a variance is required to allow a rear yard setback of 3.12 metres to the proposed two storey addition where 7.5 metres is required. |
| | To obtain a variance to legalize the existing building height of 11.2 metres where only 9.5 metres is permitted. |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.: | N/A |
| NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | |
| 15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | N/A |

ATTACHMENTS

(not attached to the electronic version of the report)

- Subject Property Map
- Site Plan
- Floor Plan
- Elevations
- Photos
- Restoration Plan
- Letters From Neighbours