
CITY OF KELOWNA

MEMORANDUM

Date: February 22, 2005
File No.: DVP05-0004

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DVP05-0004 **OWNER:** Linda & Gabriel Daku

AT: 120 Molnar Road, Kelowna, BC **APPLICANT:** as above

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW A
SETBACK OF 12.2M TO A COVERED PATIO WHERE A 15.0M
SETBACK IS REQUIRED FROM HIGHWAY 33.

EXISTING ZONE: RU1 – LARGE LOT HOUSING

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0004 for Lot 2, Section 23, Township 26, ODYD, Plan 17606 except Plan 37996 located on Molnar Road, Kelowna, B.C.:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The Landscaping be modified to meet the requirements of the Traffic Bylaw No. 8120 with regard to intersection sight line of control.

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 6.10.1 Setbacks from Provincial Highways

- To obtain a variance to allow a 12.2 m setback to Highway 33 where 15.0 m is required to all buildings and structures.

2.0 SUMMARY

The applicants are seeking a variance to the required setback from Hwy 33 in order to allow the construction of a covered patio.

3.0 BACKGROUND

3.1 The Proposal

Outside of an urban centre, the Zoning Bylaw states that all buildings and structures on lots abutting a Hwy 33 and Hwy 97 shall not be closer than 15.0m from the highway. The applicants are proposing to construct a covered deck at the front of the subject property. The proposed setback of the deck from the highway is 12.2 m.

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

CRITERIA	PROPOSAL	REQUIREMENTS
Site Coverage	33.9%	40%
Front Yard Setback to Deck	12.2m	15.0m
Side Yard Setbacks to Deck		
- East	2.7 m	2.3m
- West	8.0 m	4.5m

3.2 Site Context

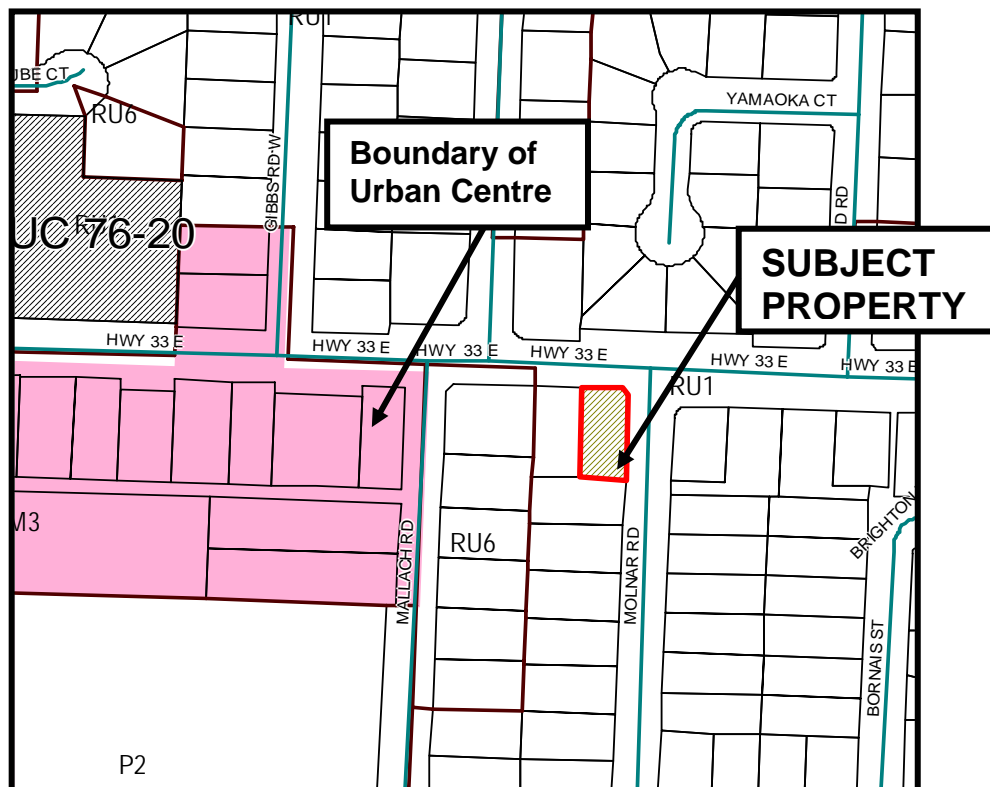
The subject property is located on the south-west corner of Molnar Road and Highway 33.

Adjacent zones and uses are:

- North - RU1 – Large Lot Housing
- East - RU1 – Large Lot Housing
- South - RU1 – Large Lot Housing
- West - RU1 – Large Lot Housing

3.3 Location Map

Subject Property: 120 Molnar Road



3.4 Existing Development Potential

The intent of the zone is to provide for single detached housing, and compatible secondary uses, on medium sized serviced urban lots.

3.5 Current Development Policy

3.5.1 Kelowna Official Community Plan

The subject property is designated as Multiple Unit Residential low density in the OCP. However, the property is currently zoned RU1 which supports the existing use as a single family dwelling. The application to allow a covered patio would be consistent with the residential zoning and use of the property and could be supported.

The reason that this site is designated as multiple unit residential is that the Rutland Sector Plan road network Plan indicates the potential to realign Molnar Road to the west to link into a similar realignment of Gibbs Road East in order to provide for a 4 way signalized intersection at Hwy 33 and the only way to achieve that realignment is to allow some greater density to compensate for the loss of land.

5.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments and the following comments or concerns were expressed:

5.1 Works and Utilities

The applicant does not compromise Works & Utilities servicing requirements. However, the hedge located at the intersection of Hwy 33 and Molnar Road does not meet the requirements of the Traffic Bylaw No. 8120 with regard to intersection sight line of control. As a condition of this application, the landscape should be modified to meet current Bylaws and Policies.

5.2 Inspection Services

Applicant to address structural requirements with plan checker or inspector at time of Building Permit Application. Footing, post and joist ledger undersized. Reviewed for open exterior use only.

5.3 Fire Department

No comment.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

Staff have no concerns with the proposal to vary the required 15.0m setback to 12.2 m in order to allow for the construction a covered deck and bay window. The applicant intends on replacing an existing ground level covered patio. The required 15.0 m setback along Hwy 33 is intended to provide some separation / protection to adjoining development from the potential impact of vehicles within a highway environment. The OCP supports the reduction of this setback within Urban Centres because of the overall objective of allowing development within Urban Centres to be pedestrian oriented and immediately adjacent to the sidewalk. While this site is not in an Urban Centre as defined in the OCP the posted travel speed along the Hwy in this area is the same as that in the Urban Centre. The potential impact to this site from vehicles losing control should therefore be no greater than that within the Urban Centre. In addition, existing landscaping provides adequate noise and visual buffering of the residents from the highway. The applicant, however, will be required to remove the existing landscaping which currently encroaches within the required corner sightline triangle. The neighbours have submitted letters in support of the proposed variance.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

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Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Photographs
- Site Plans
- Elevations