
**CITY OF KELOWNA
MEMORANDUM**

Date: March 23, 2004
File No.: DVP05-0018
To: City Manager
From: Planning & Corporate Services Department
Subject:
APPLICATION NO. DVP05-0018 **APPLICANT:** Christine Pinette
AT: 2663 Bath Street **OWNER:** Condor Holdings Ltd.
PURPOSE: VARY THE REAR YARD SETBACK FROM 6.0 M AND 7.5 M
REQUIRED TO 4.5 M PROPOSED;
EXISTING ZONE: RU6 – TWO DWELLING HOUSING
REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0018 for Lot 11, D.L. 14 ODYD Plan 3785, located on Bath Street, 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";

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

13.6.6(e) RU6 Development Regulations – Rear Yard Setback

Vary the rear yard setback from the required 6.0 m for a 1 or 1½ storey portion of a building and 7.5 m for a 2 or 2½ storey portion of a building, to 4.5 m proposed.

2.0 SUMMARY

This application contemplates a reduction to the rear yard setback requirement from 6.0 m for a 1 or 1½ storey portion of a building and 7.5 m for a 2 or 2½ storey portion of a building, down to 4.5 m proposed.

3.0 ADVISORY PLANNING COMMISSION

Pursuant to Bylaw 8546 – Establishing the Advisory Planning Commission (APC), Section 3.4 (c), this application does not require APC review. The Applicant has provided signed statements from property owners at 2674 Gore Street and 2664 Bath Street indicating that they have no concerns with the proposed variance. The Applicant is also the owner of the most affected property, being the lot to the north (2663 Bath Street).

4.0 BACKGROUND

4.1 The Proposal

The Applicant proposes to demolish the existing dwelling, and site two single detached dwellings on this one lot. Reducing the rear yard is desired by the Applicant, because it will function more like a side yard. The Applicant contends that this variance would allow a

building siting scheme that allows the lot to function better, with increase separation distance between House A and House B (see attached Site Plan).

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

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Lot Area (m ²)	850 m ² (0.21 ac)	800 m ²
Lot Width (m)	22.86 m	20.0 m
Lot Depth	37.21 m	30.0 m
Site Coverage (buildings)	32.5%	40%
Site Coverage (buildings/parking)	40%	50%
Height (principal dwelling A)	8.7 m	9.5 m
Height (principal dwelling B)	unknown at this time	9.5 m
Setbacks (m)		
- Front	4.5 m	4.5 m
- Rear	4.5 m ^A	6.0 m for a 1 or 1 ½ storey 7.5 m for a 2 or 2 ½ storey
- Side (flanking street)	4.5 m	4.5 m
- Side (next to lane)	2.4 m (1 or 1 ½ storey) 2.4 m (2 or 2 ½ storey)	2.0 m for a 1 or 1 ½ storey 2.3 m for a 2 or 2 ½ storey
Between principal building and suite in accessory	5.5 m	4.5 m
Other requirements		
Parking Stalls (#)	4 spaces	4 spaces
Setback to parking from lane	2.4 m	1.2 m
Private Open Space	Meets requirements	30 m ² of private open space per dwelling

^A The Applicant is requesting to vary the rear yard setback from 6.0 m for a 1 or 1 ½ storey portion of a building and 7.5 m for a 2 or 2 ½ storey portion of a building required to 4.5 m proposed.

4.2 Site Context

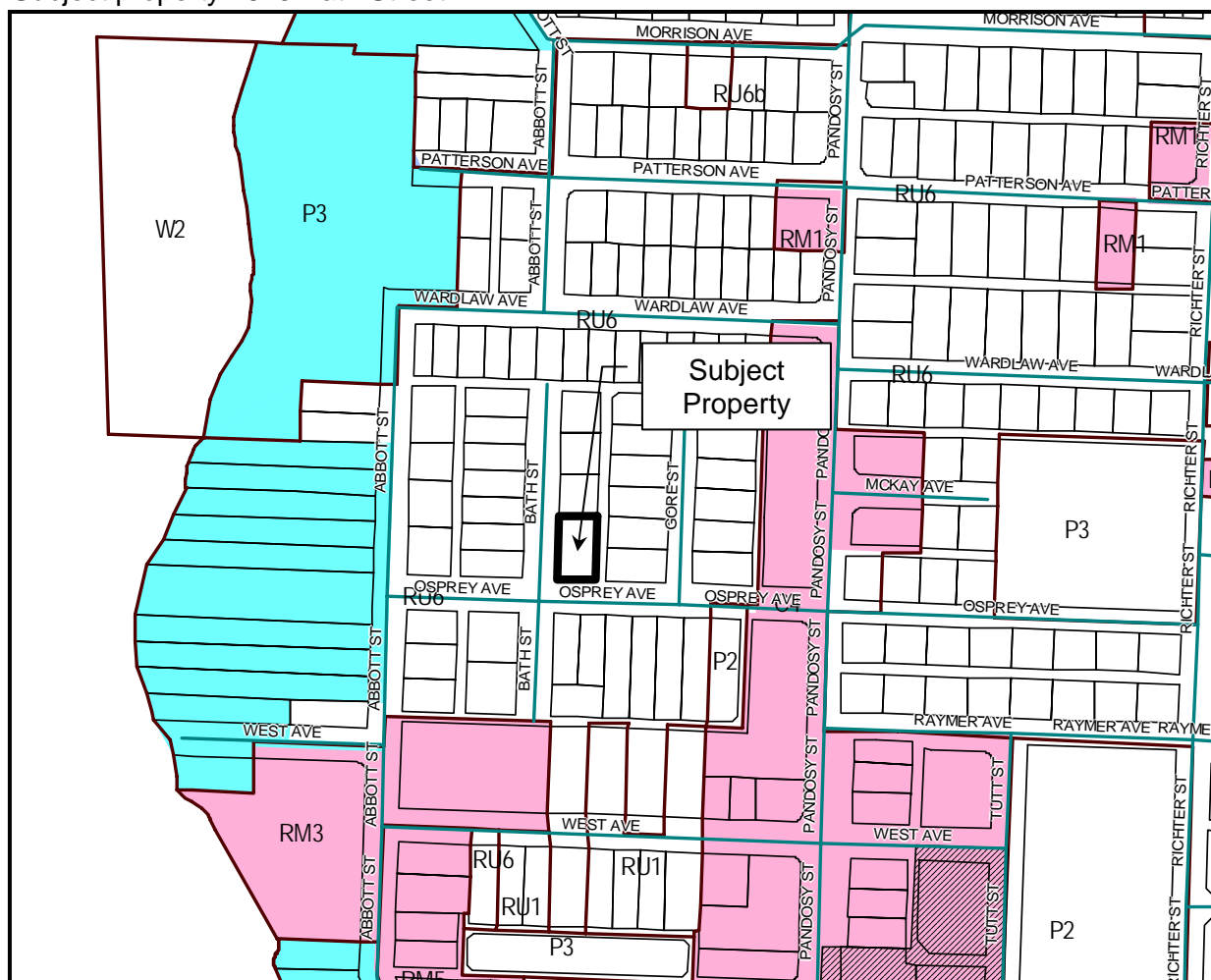
The subject properties is located northeast of the intersection of Osprey Avenue and Bath Street. This property lies towards the northern boundary of the South Pandosy Town Center Area, as identified in the Kelowna 2020 – Official Community Plan. The surrounding area has been developed predominantly as a single/two family residential neighbourhood. 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

Site Location Map

Subject property 2673 Bath Street



4.3 Current Development Policy

4.3.1 City of Kelowna Strategic Plan (2004)

Objective #4 – Realize construction of housing forms and prices that meet the needs of Kelowna residents.

Objective #5 – Achieve accessible, high quality living and working environments.

Objective #7 – Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

4.3.2 Kelowna 2020 Official Community Plan (OCP)

Future Land Use Designation - The property is designated Multiple Unit Residential – Medium Density pursuant to Map 19.1 of the OCP.

Development Permit Process - This development is subject to the Development Permit Guidelines for Form and Character of Secondary Suite and Two Dwelling Housing Development.

5.0 TECHNICAL COMMENTS

5.1 Fire Department

No comments.

5.2 Inspection Services

No comments.

5.3 Works and Utilities

Does not compromise W & U requirements.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

This application deals strictly with the question of where to site House “A” on the subject property. Were the Applicant to meet the requirements of the Zoning Bylaw, this house would need to be shifted south by 1.5 m (5 feet), thereby reducing the separation distance between the House “A” and House “B”.

Due to the proposed house orientations facing Bath Street, Staff consider it reasonable to reduce the rear yard setback to 4.5 m. Despite the Zoning Bylaw determination of this “yard” as a “rear yard”, it will function more like a “side yard”, once two single-detached houses are constructed on this lot. Furthermore, it could be argued that the proposed siting leads to a more functional use of the lot. Consequently, Staff supports this development variance permit application, as per the recommendation on the first page of this report.

Andrew Bruce

Manager of Development Services

Approved for inclusion

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

Director of Planning & Corporate Services

NW/nw

Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

Location of subject property

State of Title

Site Plan (Schedule A)

Elevations (Schedule B – 2 pages)

2 Letters in support from adjacent landowners

Letter of rationale from Applicant