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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** April 14, 2005

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** DVP05-0040

**OWNER:** Tony Timbury  
Michele Villeneuve

**AT:** 539 Radant Road

**APPLICANT:** Tony Timbury

**PURPOSE:** THE APPLICANT IS SEEKING TO VARY THE SOUTHERN SIDE  
YARD SETBACK FROM 2.0M REQUIRED TO 1.5M PROPOSED.

**EXISTING ZONE:** RU1 – LARGE LOT HOUSING

**REPORT PREPARED BY:** RYAN SMITH

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**1.0 RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0040; Lot 4 Section 1, Township 25, ODYD Plan 8768, located on Radant Road, Kelowna, B.C.;

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

Section 13.1: RU1 – Large Lot Housing: Subsection: 13.1.6(d):

To vary the side yard setback from 2.0m required to 1.5m proposed to accommodate the addition of a garage.

AND THAT the applicant be required to setback the railing of the rooftop patio a distance of 2.3m from the property line and provide a vegetative buffer in this area as shown on Schedule "A";

**2.0 SUMMARY**

The applicant is seeking to vary the southern side yard setback from 2.0m required to 1.5m proposed.

### 3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of March 29, 2005 it was resolved:

THAT the Advisory Planning Commission ***not*** supports Development Variance Permit Application No. DVP05-0040, for 539 Radant Road, Lot 4, Plan 539, Sec. 1, Twp. 25, ODYD, by Tony Timbury to obtain a Development Variance Permit to vary the northern side yard setback from the 2.0 m required, to the 1.5 m proposed to facilitate the construction of a new garage.

### 4.0 BACKGROUND

#### 4.1 The Proposal

The applicant is seeking a development variance permit for the construction of a new garage addition to the single family dwelling on the subject property. The proposed garage addition will encroach 0.5m into the 2.0m side yard setback. The proposed garage will be flat-roofed to allow for a patio area above which is accessed from the second floor of the residence.

The application meets the requirements of the proposed RU1s – Large Lot Housing with Secondary Suite zone as follows:

CRITERIA	PROPOSAL	RU1s ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	654m <sup>2</sup>	550m <sup>2</sup>
Lot Width (m)	18.90m	17.0m
Lot Depth (m)	47.27m	30.0m
Setbacks-House (m)		
-Front	4.5m	4.5m
-Rear	22.3m	7.5m
-North Side	2.3m	4.5m to House or 6.0m to Garage or Carport
-South Side	1.5m❶	2.0m

❶Note: The applicant is seeking to vary the southern side yard setback from 2.0m required to 1.5m proposed.

#### 4.2 Site Context

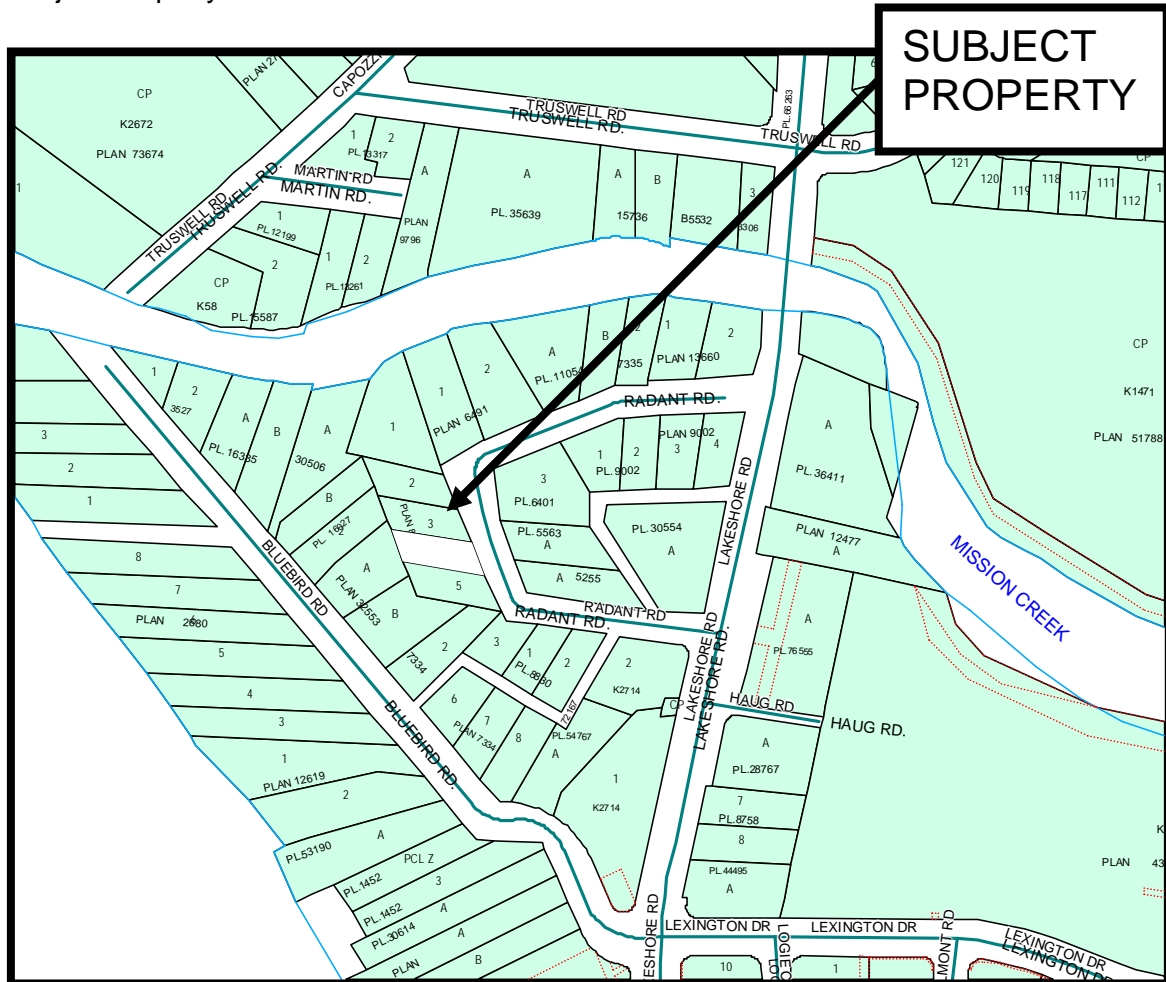
The subject property is located on the west side of Radant road, west of Lakeshore Road.

Adjacent zones and uses are:

North - RU1 – Large Lot Housing – Single Family Dwelling  
 East - RU1 – Large Lot Housing – Single Family Dwelling  
 South - RU1 – Large Lot Housing – Single Family Dwelling  
 West - RU1 – Large Lot Housing – Single Family Dwelling

Site Location Map

Subject Property: 539 Radant Road



5.0 TECHNICAL COMMENTS

5.1 Inspection Services

The proposed south elevation of the attached garage does not indicate an opening and this complies to BC Building Code for 1.5 metres set-back and there is no objection to this DVP.

5.2 Works and Utilities

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

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

Staff has concerns with regard to the patio on top of the proposed garage. It is a concern that due to its proximity to the property line, the patio will impact the privacy of the neighbours. Staff had recommended to the applicant at the APC stage that at least the minimum setback from the property line to the patio railing on the roof of the garage and that additional screening be provided in the form of a vegetative buffer on the edge of the proposed patio. The applicant has agreed to setback the patio railing and provide screening in order to increase the privacy of the adjacent property owner.

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Andrew Bruce  
Manager of Development Services



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

RM/AB/rs  
Attach.

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Subject property map
- Site plan and floor plans
- Elevations
- Pictures