
CITY OF KELOWNA
MEMORANDUM

Date: June 24, 2005

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DVP05-0100

OWNER: Martin Kane Bentsen
Sylvia Marie Bentsen

AT: 933 Nassau Crescent

APPLICANT: Kane Bentsen

PURPOSE: TO VARY THE FRONT YARD SETBACK FROM 6.0M
REQUIRED TO 5.35M PROPOSED

EXISTING ZONE: RU1s– Large Lot Housing with Secondary Suite

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0059 for Lot 22, Section 29, Township 26, ODYD Plan 17492 located on Nassau Crescent, Kelowna, B.C.;

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

Section 13.1.6(c): Development Regulations:

Vary the side yard setback from 6.0m required to 5.35m proposed;

2.0 SUMMARY

The applicant is seeking to vary the front yard setback from 6.0m required to 5.35m proposed.

3.0 BACKGROUND

A single family dwelling with suite exists on the subject property.

3.1 The Proposal

The applicant is in the midst of constructing a new single family dwelling on the subject property. The applicant accidentally poured the foundation in the wrong location and when a survey was performed, it became evident that the foundation in the area of the garage did not meet the required front yard setback of 6.0m. Instead the setback provided was 5.35m.

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

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Lot Area (m ²)	942m ²	550m ²
Lot Width (m)	22.9m	16.5m
Lot Depth (m)	36.58m	30.0m
Site Coverage(%)	18%	
Setbacks-House (m)		
-Front	5.35m❶	6.0m to Garage 4.5m to SFD
-Rear	16m	7.5m
-North Side	5.15m	4.5m
-South Side	2.65m	2.3m

❶Note: The applicant is seeking to vary the front yard setback to a garage from 6.0m required to 5.35m proposed.

3.2 Site Context

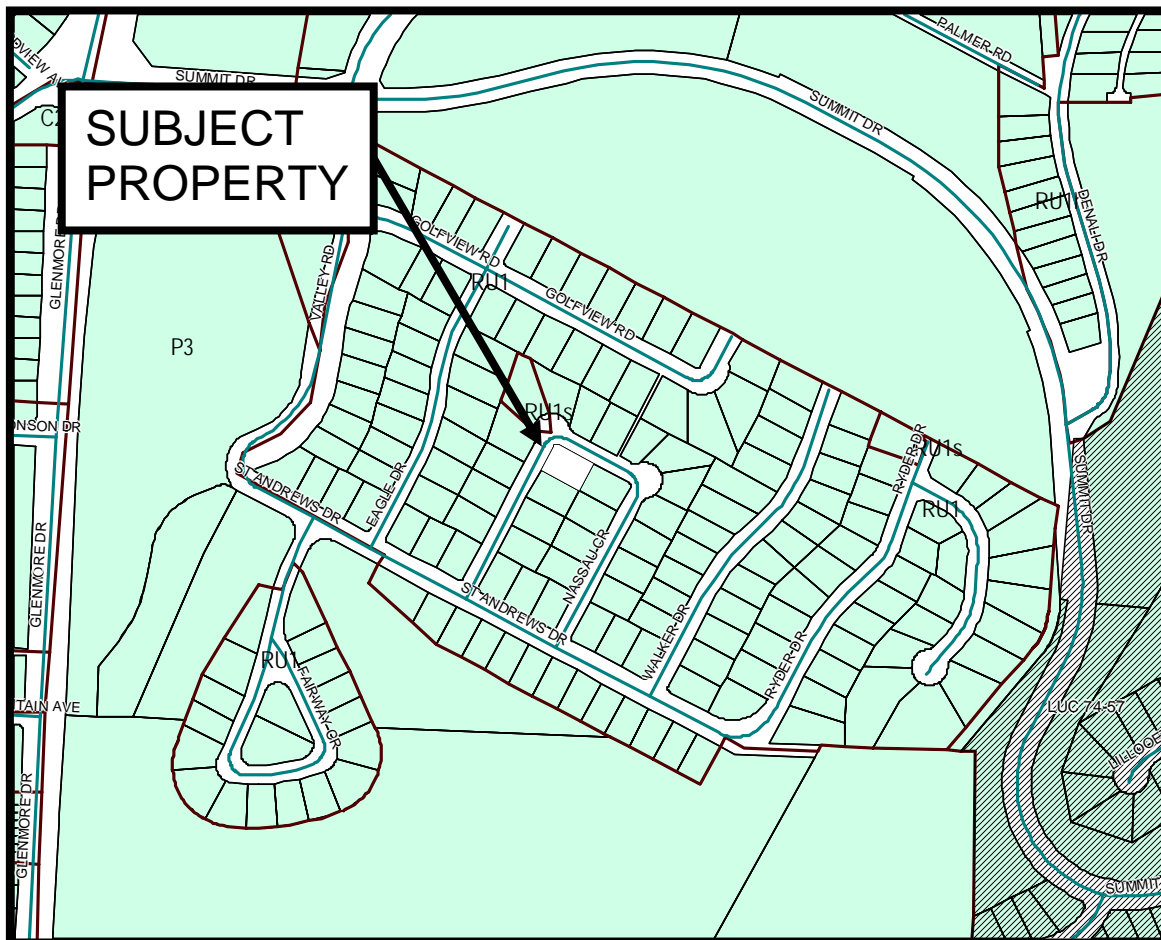
The subject property is located on the western arm of Nassau Crescent north of St. Andrews Drive and northeast of the Kelowna Golf and Country Club.

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: 933 Nassau Crescent



4.0 TECHNICAL COMMENTS

4.1 **Works and Utilities**

The Transportation Department requires 1.5 meters from the back of the curb for possible future sidewalk. The existing boulevard is approximately 2.3 to 2.5 meters which will allow for a 1.5 m sidewalk and maintain a 6 m clearance to the front of the garage (see file for sketch). Does not compromise servicing requirements. No concerns at this time.

4.2 **Inspection Services**

No concerns. The Inspection Services Department initially stopped construction after the siting issue was discovered when a foundation survey was completed. The Inspection Services Department has allowed construction to continue on the single family dwelling the exception of the garage portion of the building at the applicant's risk.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

This application is intended legalize a situation where the recently constructed dwelling was located within the required front yard setback.

The Planning and Corporate Services Department has no concerns with the proposed development variance permit. The Works and Utilities Department has confirmed that any vehicles parked in the driveway in front of the garage will not stick out into the boulevard area and thus impede or pose a hazard to pedestrian or vehicular movement on the road.

The applicant has circulated the proposal to the surrounding neighbours and the following property owners have indicated their support: 921, 926, 927, 934, 942, 950, 956, 960, 965, 968, 987 Nassau Crescent.

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