
CITY OF KELOWNA

MEMORANDUM

Date: July 30, 2004
File No.: **DVP04-0090**

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. **DVP04-0090**
AT: 1216 Graf Road

OWNER: Paul and Donna Robinson
APPLICANT: Paul and Donna Robinson

PURPOSE: TO VARY THE REAR YARD SETBACK FROM 7.5M REQUIRED
TO 6.33M PROPOSED

EXISTING ZONE: RU1 – Large Lot Housing

PROPOSED 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 Final Adoption of Zone Amending Bylaw No. 9279 be considered by Council;

THAT Council authorize the issuance of Development Variance Permit No. DVP04-0090; for Lot B, Section 25, Township 26 ODYD Plan 35198 located on Graf Road, Kelowna, B.C.;

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

Section 13.1.6(e): Development Regulations:

Vary the rear yard setback from 7.5m required to 6.33m proposed.

2.0 SUMMARY

The applicants are seeking to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone to accommodate a secondary suite in the basement of the existing single family dwelling. This change in land use necessitates that the applicant address an existing non-conforming rear yard setback through a development variance permit.

3.0 BACKGROUND

3.1 The Proposal

The applicant is proposing to rezone the subject property in order to allow for a secondary suite in the basement of an existing single family dwelling. The subject property is located on the northwest corner of Graf Road and Graf Road South east of Gibson Road.

The proposed suite will measure 87m² in size and will have a kitchen, living area, bedroom and bathroom. The entrance will be via a private entrance on the northwest side of the building.

The applicant has accounted for the 3 required parking stalls on the site plan (accessed from Graf Road); however, the site could potentially accommodate more stalls if required.

As the proposed suite will be located in the same building as the principal dwelling no development permit is required; however, a development variance permit is required to address the rear yard setback which is non-conforming with regard to the zoning bylaw.

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 ²)	827m ²	550m ²
Lot Width (m)	24m	16.5m
Lot Depth (m)	37.18m	30.0m
Site Coverage (%) (existing)	19.7%	40%
Total Floor Area (m ²)		
-House (existing)	138.4m ²	
-Secondary suite	87m ²	90m ²
Height	2	2.5 Storeys
Setbacks-House (m)		
-Front	10m	4.5m
-Rear	6.33m ^❶	7.5m
-North Side	2.3m	2.3m
-South Side	12m	2.3m
Parking Spaces (Total)	3	3

❶Note: Rear yard setback is non-conforming with regard to the provisions of Zoning Bylaw No.8000. The applicant is seeking to vary the rear yard setback from 7.5m required to 6.33m existing through this development variance permit.

3.2 Site Context

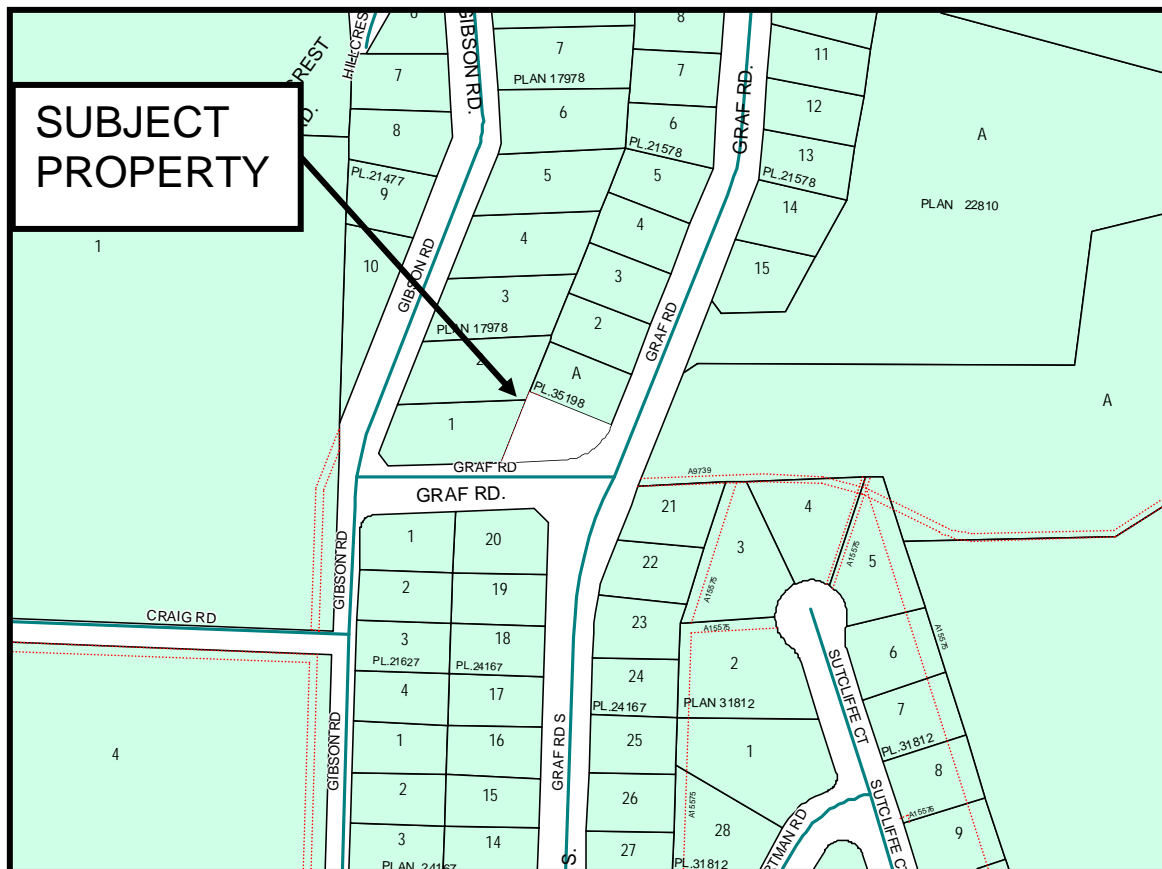
The subject property is located on the northwest corner of Graf Road and Graf Road South east of Gibson Road.

Adjacent zones and uses are:

- North - RU1s – Large Lot Housing with Secondary Suite – 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: 1216 Graf Road



3.3 Existing Development Potential

The purpose of the RU1-Large Lot Housing zone is to provide for single detached housing, and compatible secondary uses, on large serviced urban lots.

3.4 Current Development Policy

3.4.1 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 15).

3.4.2 City of Kelowna Strategic Plan (1992)

One of the objectives of the Strategic Plan is “to develop a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban areas” (Objective 1.1). The proposal is consistent with these objectives and with their accompanying strategies.

3.4.3 Rutland Sector Plan (1997)

Housing Policies:

Support the continued infill of low density single/two family housing within existing neighborhoods not selected for redevelopment to higher densities.

Support the use of secondary suites.

4.0 TECHNICAL COMMENTS

4.1 Works and Utilities Department

The Works & Utilities Department comments and requirements regarding this application to rezone from RU-1 to RU-1S are as follows:

4.1.1 General.

The proposed rezoning application for this property does not compromise Works and Utilities requirements.

4.1.2 Domestic water and fire protection.

This development is within the service area of the Black Mountain Irrigation District (BMID). The Developer is required to make satisfactory

arrangements with the RWWD for these items. All charges for service connection and upgrading costs are to be paid directly to the BMID.

4.1.3 Sanitary Sewer

This property is not currently serviced by the municipal sanitary sewer system, this item is under the jurisdiction of the Public Health Officer.

*Note: Sewer construction is currently underway.

4.1.4 Access and parking.

Parking is provided on-site

4.2 Inspection Services Department

No comment.

4.3 Fire Department

No comment.

4.4 Public Health Inspector

No Comment

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns with the proposed development variance permit to address the existing non-conforming rear yard setback. The southern side yard is much larger than required and combined with the rear yard serves to provide adequate private open space on-site.

Andrew Bruce
Manager of Development Services



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

RM/AB/rs
Attach.

FACT SHEET

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|-----|---|---|
| 1. | APPLICATION NO.: | DVP04-0090 |
| 2. | APPLICATION TYPE: | Development Variance Permit |
| 3. | OWNER:
• ADDRESS
• CITY
• POSTAL CODE | Paul and Donna Robinson
1216 Graf Road
Kelowna, BC
V1P 1B8 |
| 4. | APPLICANT/CONTACT PERSON:
• ADDRESS
• CITY
• POSTAL CODE
• TELEPHONE/FAX NO.: | As Above

212-5099 |
| 5. | APPLICATION PROGRESS:
Date of Application:
Date Application Complete:
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to Council: | May 28, 2004
May 28, 2004
N/A
N/A
July 2, 2004 |
| 6. | LEGAL DESCRIPTION: | Lot B, Section 25, Township 26
ODYD Plan 35198 |
| 7. | SITE LOCATION: | The subject property is located on the northwest corner of Graf Road and Graf Road South east of Gibson Road. |
| 8. | CIVIC ADDRESS: | 1216 Graf Road |
| 9. | AREA OF SUBJECT PROPERTY: | 827m ² |
| 10. | AREA OF PROPOSED REZONING: | 827m ² |
| 11. | EXISTING ZONE CATEGORY: | RU1-Large Lot Housing |
| 12. | PROPOSED ZONE: | RU1s-Large Lot Housing with Secondary Suite |
| 13. | PURPOSE OF THE APPLICATION: | TO VARY THE REAR YARD SETBACK FROM 7.5M REQUIRED TO 6.33M PROPOSED |
| 14. | MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | N/A |
| 15. | DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | N/A |

ATTACHMENTS

(not attached to the electronic version of the report)

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