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## CITY OF KELOWNA

### MEMORANDUM

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**Date:** September 8, 2005  
**To:** City Manager  
**From:** Planning and Corporate Services Department  
**Subject:**

**APPLICATION NO.** DVP05-0140      **OWNER:** Francine Marie Flyshtan

**AT:** 735 Tartan Road      **APPLICANT:** Marion Flyshtan

**PURPOSE:** TO VARY THE REAR YARD SETBACK FROM 7.5M REQUIRED TO 1.83M PROPOSED IN ORDER TO ALLOW FOR AN ADDITION TO THE EXISTING SINGLE FAMILY DWELLING

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

**REPORT PREPARED BY:** RYAN SMITH

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#### 1.0 **RECOMMENDATION**

THAT Council not authorize the issuance of Development Variance Permit No. DVP05-0140 for Lot 12, Section 26, Township 26, ODYD Plan 22239 located on Tartan Road, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 not be granted:

Section 13.1: RU1 – Large Lot Housing: 13.1.6(e):

Vary the rear yard setback from 7.5m required to 1.83m proposed to accommodate an addition to an existing single family dwelling.

#### 2.0 **SUMMARY**

The applicant currently has a 1 storey home on the subject property and is seeking to make an addition to the north side which would encroach into the rear yard setback. The proposed addition would measure 44.5m<sup>2</sup> in size and the exterior would be finished to match the existing dwelling with white stucco and chocolate brown trim. The existing eastern side yard measuring 7.01m in width would remain undisturbed by the proposed building addition.

The application meets the development regulations of the RU1 – Large Lot Housing zone as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	953m <sup>2</sup>	550m <sup>2</sup>
Lot Width (m)	24.38m	17.0m
Lot Depth (m)	39.6m	30.0m
Setbacks		
Front Yard	7.62m	4.5m
Side Yard (W)	7.62m	4.5m except 6.0m to a garage or carport
Side Yard (E)	7.01m	2.0m
Rear Yard	1.83m	7.5m
Building Height	1 .5 storeys	2.5 storeys

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## 2.2 Site Context

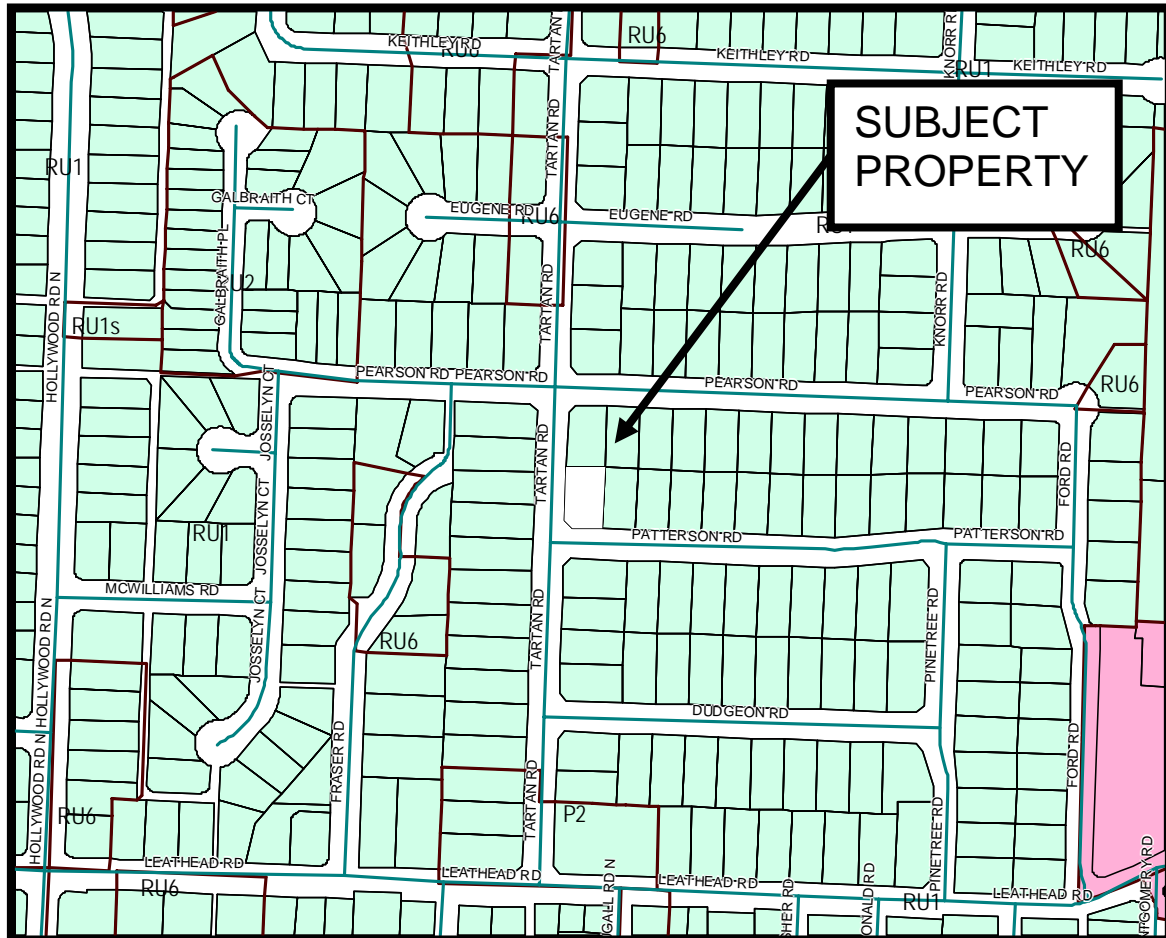
The subject property is located on the north east corner of Tartan Road at Patterson Road.

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: 735 Tartan Road



3.0 TECHNICAL COMMENTS

3.1 Inspection Services

- a) Window area facing rear yard will be limited to approx 8.5% of wall area.
- b) Applicant to provide draftsman quality drawings to scale - see brochure at front counter.

3.2 Works and Utilities

No concerns.

### 3.3 Fire Department

Fire Dept. access and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw.

### 4.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The subject property is designated as Single/ Two Unit Residential in the Official Community Plan. The proposed construction of an addition is consistent with the uses currently existing surrounding the site. The variance for the rear yard set back from the required 7.5 meters to 2.0 meters would be a reasonable request as the orientation of the house on the lot means the rear yard is functionally the side yard setback. The side yard setback in the RU1 zone is 2.0 meters therefore the functional variance for this property is only 0.17 meters. Additionally the eastern side yard (functional rear yard) of the property is a full 7 meters in depth which eliminates any sense of crowding on the parcel. The adjacent property to the north has a large accessory building constructed on the south side of their property that acts as a buffer between the home to the north and the home on the subject property. This small encroachment into the side yard should not impede the northern property owner's enjoyment of their property.

Having noted the above, staff would be willing to support the application if the applicant could provide a 2m setback on the north side of the property rather than 1.87m. A 2m setback would be consistent with the side yard setback requirements for a one storey building in the RU1 – Large Lot Housing zone.

The affected neighbours located at 755 Tartan have indicated their support for the proposal by way of written submission.

Should Council wish to support the proposed variance to a 1.87m rear yard setback, an alternate recommendation is provided below.

### 5.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0140 for Lot 12, Section 26, Township 26, ODYD Plan 22239 located on Tartan 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: 13.1.6(e):

Vary the rear yard setback from 7.5m required to 1.83m proposed to accommodate an addition to an existing single family dwelling.

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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