
CITY OF KELOWNA
MEMORANDUM

Date: September 13, 2005
To: City Manager
From: Planning and Corporate Services Department
Subject:

APPLICATION NO. DVP05-0146 **OWNER:** Mike Bille
AT: 2401 Selkirk Drive **APPLICANT:** Chris Vickery

PURPOSE: TO VARY THE FRONT YARD SETBACK FROM 6.0M
REQUIRED TO 5.81M PROPOSED

TO VARY THE EASTERN SIDE YARD SETBACK FROM 2.0M
REQUIRED TO 1.85M PROPOSED

EXISTING ZONE: LUC74-57 (RU1 – Large Lot Housing)

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. DVP05-0146 for Lot 14, Section 33, Township 26, ODYD Plan KAP74435 located on Selkirk Drive, Kelowna, B.C.;

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

Section 13.1.6(d): Development Regulations: Side Yard Setbacks:

Vary the eastern side yard setback from 2.0m required to 1.85m proposed.

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

Section 13.1.6(c): Development Regulations: Front Yard Setbacks:

Vary the side yard setback from 6.0m required to 5.81m proposed;

2.0 SUMMARY

The applicant is seeking to vary the front yard setback from 6.0m required to 5.81m proposed and the eastern side yard setback from 2.0m required to 1.85m proposed for a new single family dwelling which is currently under construction but was sited incorrectly.

3.0 BACKGROUND

A partially completed single family dwelling 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 sited 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 5.81. The eastern side yard setback measuring 1.85m was also found to be short of meeting the bylaw which requires a side yard setback of 2.0m.

The application meets the requirements of the proposed RU1 – Large Lot Housing zone as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Lot Area (m ²)	699m ²	550m ²
Lot Width (m)	22.27m	16.5m
Lot Depth (m)	40.0m	30.0m
Site Coverage(%)	23.6%	40%
Setbacks-House (m)		
-Front	5.81m❶ 12m	6.0m to Garage 4.5m to SFD
-Rear	18m	7.5m
-East Side	1.85m❷	2.0m
-West Side	2.26m	2.0m

❶Note: The applicant is seeking to vary the front yard setback to a garage from 6.0m required to 5.81m proposed.

❷Note: The applicant is seeking to vary the eastern side yard setback from 2.0m required to 1.85m proposed.

3.2 Site Context

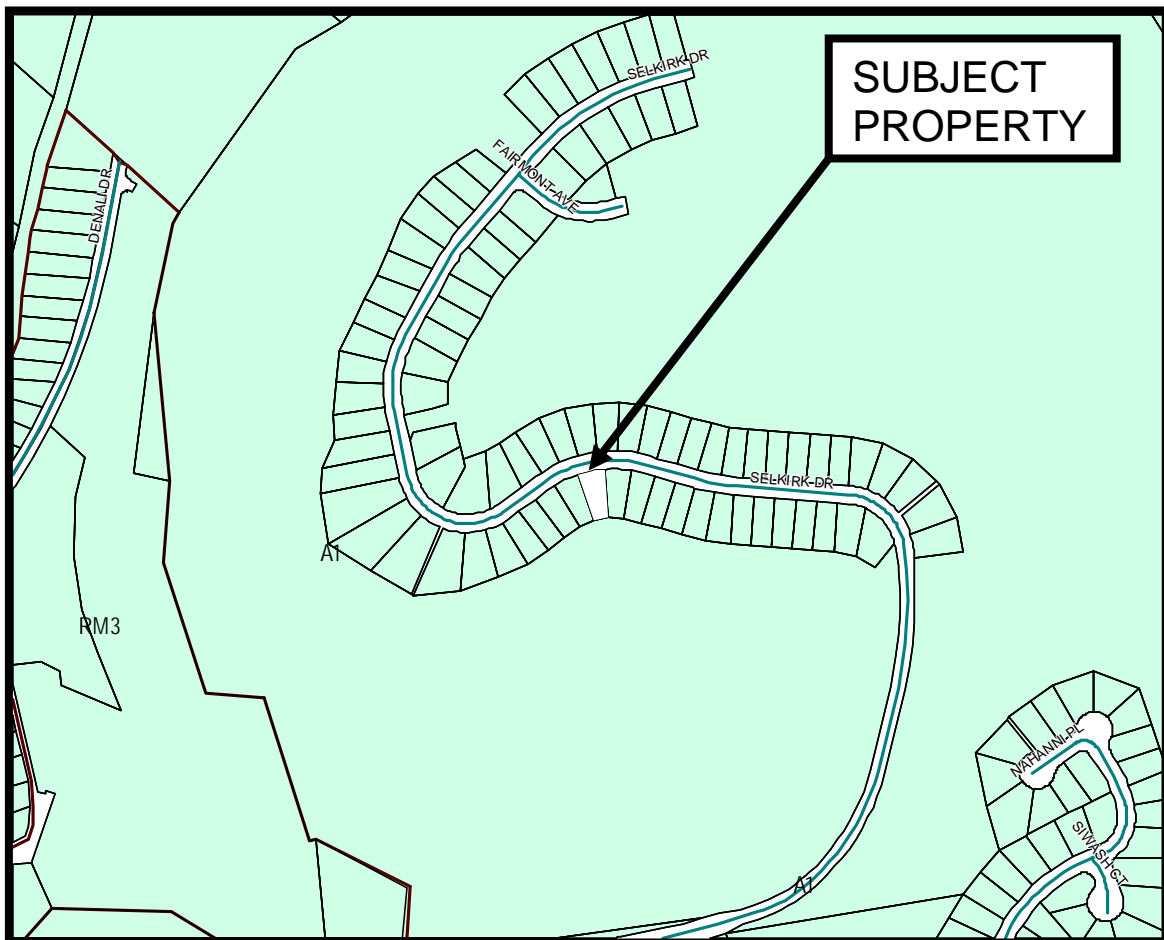
The subject property is located on the south side of Selkirk Drive between Lillooet Drive and Fairmont Avenue.

Adjacent zones and uses are:

- North - (LUC) RU1 – Large Lot Housing – Single Family Dwelling
- East - (LUC) RU1 – Large Lot Housing – Single Family Dwelling
- South - Land Use Contract (Underlying Zone: A1 – Agriculture 1)
- West - (LUC) RU1 – Large Lot Housing – Single Family Dwelling

Site Location Map

Subject Property: 2401 Selkirk Drive



4.0 TECHNICAL COMMENTS

This application was circulated to various internal departments and technical agencies and the following comments were received:

4.1 **Works and Utilities**

The Works and Utilities Department will not support front yard variance.

The application for side yard variance does not compromise W & U servicing requirements.

4.2 **Inspection Services**

No comments.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

This application is intended legalize a situation where the recently constructed dwelling was sited on the subject property in a manner which encroached on both the front yard setback and the eastern side yard setback.

The Planning and Corporate Services Department has no concerns with the proposed development variance permits. It appears that the building placement will not infringe on the privacy and enjoyment of neighbouring properties. The Works and Utilities Department however, has concerns that any vehicles parked in the driveway in front of the garage will stick out into the street and thus impede or pose a hazard to pedestrian or vehicular movement. For this reason Planning is recommending that the development variance permit to vary the front yard setback not be supported.

The applicant has circulated the proposal to the surrounding neighbours and the following property owners have indicated their support: 2397 and 2405 Selkirk Drive.

Should Council wish to support both variances against the recommendation of staff, an alternate recommendation is provided below.

6.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0146 for Lot 14, Section 33, Township 26, ODYD Plan 74435 located on Selkirk Drive, Kelowna, B.C.;

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

Section 13.1.6(d): Development Regulations: Side Yard Setbacks:

Vary the eastern side yard setback from 2.0m required to 1.85m proposed.

Section 13.1.6(c): Development Regulations: Front Yard Setbacks:

Vary the side yard setback from 6.0m required to 5.81m proposed;

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
- Elevations
- Site Survey
- Floor Plans