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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** November 18, 2005  
**File No.:** **DVP05-0165**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

DEVELOPMENT VARIANCE PERMIT      OWNER:      R469 ENTERPRISES LTD  
APPLICATION NO. DVP05-0165      & various owners.

AT:    2131 SCENIC ROAD      APPLICANT: R469 ENTERPRISES LTD

PURPOSE:      TO VARY THE FRONT YARD SETBACK FROM 4.5 M  
REQUIRED TO 3.3 M PROPOSED FOR THE WATER METER  
ROOM LOCATED ADJACENT TO SCENIC ROAD

EXISTING ZONE:    RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY:    PAUL McVEY

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**1.0    RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0165; For Common Property, Sections 4 & 9, Township 23, O.D.Y.D., Strata Plan KAS2768, located on Scenic Road, Kelowna, B.C.;

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

**Section 13.9.6(d), Development Regulations** - be varied from minimum 4.5 m site front yard required to 3.3 m front yard existing.

**2.0    SUMMARY**

In June 2004, Development Permit application DP03-0159 was issued, authorizing the construction of a townhouse development comprised of 16 row house units in 3 buildings. During the construction process, the Glenmore Ellison Improvement District required the addition of a 4.32 m wide by 2.78 m deep enclosure for the water metering equipment to be added to the building. However, this enclosure was added to the front of the proposed building, which reduced the front yard setback from the 4.5 m setback required to the 3.3 m. This non-complying front yard setback did not become apparent until the builder provided a location survey of the building to the building inspector.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The subject property was rezoned (Z03-0063) to the RM3 – Low Density Multiple Housing zone in June 2004. At that time, the associated Development Permit (DP03-0159) was issued, which authorized construction of 16 residential row house units within 3 separate buildings.

During the construction process, the developer was notified by the water purveyor (Glenmore Ellison Improvement District) that it would be necessary for the developer to provide a 4.32 m x 2.78 m weather proof enclosure for the associated water metering equipment. The developer sited this requested enclosure in front of the proposed building adjacent to the Scenic Road frontage.

This change to the building layout resulted in the front yard setback from Scenic Road being reduced from the required 4.5 m down to the existing 3.3 m setback. This non-conforming setback did not become apparent until the builder submitted a foundation location plan to the Inspection Services Department. This application for a Development Variance Permit has been made to address this situation.

The water meter enclosure has been finished in the same materials, trims and colours as the other portions of the development, in order that the enclosure matches the remainder of the building.

The proposal as compared to the RM3 zone requirements is as follows:

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	4,954 m <sup>2</sup>	900 m <sup>2</sup>
Site Width (m)	49.48 m	30 m
Site Coverage (%)	30.1% Buildings only 50% buildings and parking areas	The maximum building site coverage is 40%, provided that the maximum site coverage of buildings, driveways, and parking areas is 50%.
Total Floor Area (m <sup>2</sup> )	1,500 m <sup>2</sup>	4,258 m <sup>2</sup> max @ FAR = 0.5
F.A.R.	0.302	FAR = 0.5 max
Storeys (#)	2 storey	2 ½ Stories (9.5 m) max
Setbacks (m)		
- Front	3.3 m ❶	4.5 m (6.0 m from garage or carport)
- Rear (Glenmore Bypass)	8.15 m	7.5 m
- Northwest Side	4.4 m	4.0 m for 1 or 1 ½ storey building 4.5 m for 2 or 2 ½ storey building
- Southeast Side	4.5 m	4.0 m for 1 or 1 ½ storey building 4.5 m for 2 or 2 ½ storey building
Parking Stalls (#)	32 stalls provided 3 visitors stalls	1.5 stall per 2 br unit 16 units, 24 stalls required
Private Open Space	180 m <sup>2</sup> (balconies) 921 m <sup>2</sup> (open space)	25 m <sup>2</sup> per unit = 400 m <sup>2</sup> req'd

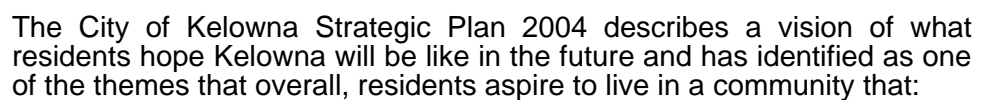
Note;

- ❶ Variance requested to reduce the front yard setback to the water meter enclosure from the 4.5 m required to the 3.3 m existing.

### 3.2 Site Context

Adjacent zones and uses are, to the:

- North - A1 – Agricultural 1 / single family residential uses
- East - A1 – Agricultural 1 / Scenic Road, agricultural uses
- South - A1 – Agricultural 1 / (LUC78-1009) Multi-family residential uses
- West - A1 – Agricultural 1 / Glenmore Bypass, Vacant



- Embraces the social, cultural and physical well-being of its residents through the delivery of quality services at a reasonable price, the development and maintenance of quality infrastructure and built forms, and meaningful opportunities to be involved in major decision made by the City.

The City of Kelowna Strategic Plan 2004 also states as Goal 3;  
“To foster the social and physical well-being of residents and visitors.”

The City of Kelowna Strategic Plan 2004 also states as Objectives for Goal 3;

1. Promote health and wellness initiative.
  - a. Develop or support programs that address the needs and engage the energies of seniors.
2. Ensure the availability of fiscal and human resources to provide quality services.
3. Realize construction of housing forms and prices that meet the needs of Kelowna residents.
  - a. Work in partnership with housing organizations and finance institutions to monitor the range of housing options required in the City.
  - b. Identify ways to establish partnerships with builders, developers and other levels of government in an effort and legislative tools to influence the supply and diversity of housing and to increase the supply of affordable housing.

#### 4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

##### 4.1 Works and Utilities Department

The requested variance does not compromise W & U servicing requirements.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The applicant was requested by Glenmore Ellison Improvement District (G.E.I.D.) to provide a heated accessible meter room onto the proposed development in order to provide space for the associated water meters for the multiple unit residential housing project. This space was provided in the front yard, adjacent to Scenic Road. However, it was not until the survey certificate was reviewed, that it became apparent that the resulting front yard setback did not comply with the RM3 zone standards. This application for a Development Variance Permit was made to address this situation.

The applicant has been able to provide signatures from the affected property owners of the development that they support this application. Therefore this application has not been circulated to the Advisory Planning Commission for their review.

The addition to the building includes finishes and design elements from other areas of the building project, and incorporates them into the meter room enclosure in order that the meter room compliments the remainder of the building.

While it is frustrating that GEID did not ensure that the meter room could be accommodated in a location that complied with the zoning bylaw requirements, it does not seem reasonable to burden the strata corporation with the expensive remedy to move the meter room. Furthermore, the meter room is not in a location where it creates sight line issue or access impacts.

In light of the above, the Planning and Corporate Services Department does not have concerns with this requested front yard variance, and recommend for positive consideration by Council.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion ☐

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

PMc/pmc  
Attach.

Photos of Meter Room Addition



Attachments

Subject Property Map

Site plan indicating variance requested