
CITY OF KELOWNA
MEMORANDUM

Date: March 2, 2006
File No.: DVP05-0219
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. DVP05-0219 **OWNER(S):** Berisoff, Paul and Miranda
AT: 1029 Paret Cr. **APPLICANT:** Worman Resources Inc.

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY THE SIDEYARD SETBACK FROM 1.8 M TO 1.45 M ON THE EAST SIDE OF THE SUBJECT PROPERTY.

EXISTING ZONE: RU2 – MEDIUM LOT HOUSING

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0219 for Lot 12, District Lot 579, S.D.Y.D. Plan KAP74401, located on Paret Crescent, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";

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

Section 13.2.6 (d) – RU2 Medium Lot Housing (side yard setbacks)

Vary the minimum side yard setback on the east side of the subject property from 1.5 m for 1 or 1 ½ storey portion, and 1.8 m for 2 or 2 ½ storey portion to allow a setback of 1.45 m for both the first and second storey.

2.0 SUMMARY

The Applicant is applying to vary the side yard requirement to allow the existing house (which is under construction) to remain where it is. The side yard setback shortfall on the east side is detailed below:

- 1.45 m to first storey, where 1.5 m is required;
- 1.45 m to second storey, where 1.8 m is required.

3.0 BACKGROUND

3.1 The Proposal

During construction of this single family home, it was discovered that the house was sited too close to the east property line. The Applicant has provided a letter to Council explaining the rationale for their request (please see attached letter, dated November 18, 2005).

The application meets the requirements of the RU2 - Medium Lot Housing zone as follows:

| CRITERIA | PROPOSAL | RU1 ZONE REQUIREMENTS |
|---------------------------------------|------------------------------|--|
| Site Area | 582 m ² (0.14 ac) | min. 400 m ² |
| Lot Width | 17.6 m | min. 13.0 m |
| Lot Depth | 31.0 m | min. 30.0 m |
| Site Coverage (buildings) | 25% | max. 40% |
| Site Coverage (driveways and parking) | 30% | max. 50% |
| Height | 2 storeys / ± 6.4 m | max. 2 ½ storeys / 9.5 m |
| SETBACKS | | |
| Front | 6.45 m | min. 4.5 m or 6.0 m from garage |
| Side (east) | 1.45 m ^A | min. 1.5 m < 1 ½ storey min. 1.8 m > 2 ½ storey |
| Side (west) | 5.1 m | min. 1.5 m < 1 ½ storey min. 1.8 m > 2 ½ storey |
| Rear | 12.1 m | min. 7.5 m |

^A The Applicant is applying to vary this side yard setback requirement for both the first and second storey: 1.45 for main floor, where 1.5 m is required, and 1.45 for second floor, where 1.8 m is required.

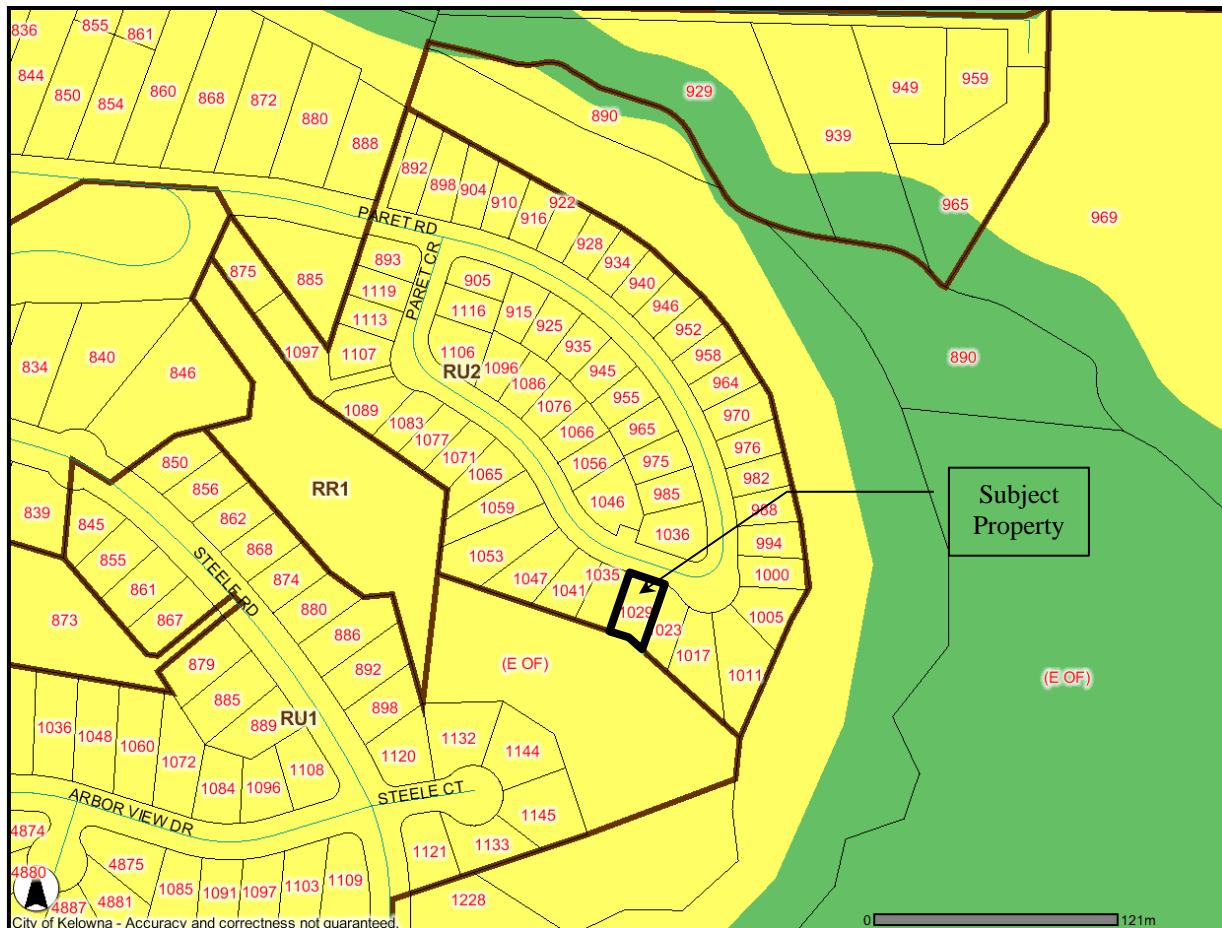
3.2 Site Context

The subject property is located on Paret Crescent in the Mission Hollows development, which is just west of the new Gordon Drive extension. The surrounding neighbourhood is developed as a single family residential. More specifically, the adjacent land uses are as follows:

| | |
|-------|--------------------------|
| North | RU2 – Medium Lot Housing |
| East | RU2 – Medium Lot Housing |
| South | RU1 – Large Lot Housing |
| West | RU2 – Medium Lot Housing |

3.3 Site Map

Subject Property: 1029 Paret Cr.



3.4 Development Potential

The property is zoned RU2 – Medium Lot Residential. The purpose is to provide a zone for single detached housing, and compatible secondary uses, on medium-sized serviced urban lots.

3.5 Policy and Regulation

3.5.1 City of Kelowna Strategic Plan (2004)

Objective #4 – Realize construction of housing forms and prices that meet the needs of Kelowna residents.

Objective #5 – Achieve accessible, high quality living and working environments.

Objective #7 – Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

4.0 TECHNICAL COMMENTS:

4.1 Inspection Services

No concerns.

5.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

Staff is supportive of this variance application. Varying the side yard setback requirement, in this case, seems reasonable, given that they have the support of the affected neighbour, and because there is no conflict with the B.C. Building Code.

Bob Shaughnessy

Subdivision Approving Officer

Approved for inclusion

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

NW

ATTACHMENTS

Location of subject property
Surveyor's Certificate (Schedule "A")
Site Plan

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Elevations

Building Section

Applicant's Letter of Rationale

Letter of support from affected neighbour