
**CITY OF KELOWNA
MEMORANDUM**

Date: February 16, 2006

File No.: DVP06-0036

To: CITY MANAGER

From: PLANNING AND CORPORATE SERVICES DEPARTMENT

Subject:

APPLICATION NO: DVP06-0036

OWNER: 448473 BC Ltd.

AT: 440 Hartman Road

APPLICANT: Gary Tebbutt

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW AN EAST SIDE YARD SETBACK OF 3.5 M WHERE 4.5 M IS REQUIRED.

EXISTING ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP06-0036; Lot 1, Section 26, Township 26, ODYD, Plan KAP80079, located on Hartman Road, Kelowna, B.C.;

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

Section 13.9.6 (E) – RM3 – Low Density Multiple Housing

A variance to allow an east side yard setback of 3.5 m where 4.5 m is required.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

2.0 SUMMARY

The applicant previously obtained approval to construct 32 units of three storey row housing under application DP05-0151 & DP05-0152. At the time of advertising, the proposed variance to reduce the side yard setback was missed in error and is therefore being reviewed as part as a separate development variance permit application.

3.0 ADVISORY PLANNING COMMISSION

The proposed variance to the side yard setback was previously reviewed as part of DVP05-0152. At that time, the proposed variance was for 2.3 m where 4.5 m is required. The proposed side yard setback variance was supported as per the recommendation below. Following APC, the applicant subsequently increased the setback to 3.5 m thus lessening the required variance.

The above-noted applications were reviewed by the Advisory Planning Commission at the meeting of September 27, 2005 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP05-0152, 440 & 460 Hartman Road, Lots A, Plan 46388 & Lot B, Plan 30380, Sec. 26, Twp. 26, ODYD by Eidse Builders (Gary Tebbutt) to obtain a Development Variance Permit to allow the buildings to be 3 storeys in height where only 2.5 storeys is permitted and to obtain a Development Variance Permit to allow a side yard setback of 2.3 m where 4.5 m is required.

4.0 BACKGROUND

4.1 The Proposal

The applicant previously obtained approval to construct the 32 units of three-storey row housing under DP05-0151 and DVP05-0152. The applicant is proposing a variance to allow the eastern side yard setback to be reduced by 1.0 m and thus to allow a side yard setback of 3.5 m where 4.5 m is required. Located to the east of the property is Capstone Estates which was developed by the same developer. The two developments are linked by a fire lane access and are to be developed with the same form and character.

The application meets the requirements of the proposed RM3- Low Density Multiple Housing Zone as follows:

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m ²)	6837 m ²	900m ²
Site Width (m)	56.6 m	30.0m
Site Depth (m)	120.1m	30.0m
Site Coverage (%)	33% / 55.8%*	40% or 50% including buildings, driveways, and parking
F.A.R.	0.57	0.5 + 0.2 (all require parking below habitable space)= 0.7
Height (m)	9.55m*	9.5m 4.5m for accessory building
Storeys (#)	3 storeys*	2.5 storeys
Setbacks (m)		
- Front (m)	4.5m	4.5m
- Rear (m)	7.6m	7.5m
- East Side (m)	3.0m**	4.5m
- West Side (m)	4.5m	4.5m
Projections	0.9 m projection into east side yards	0.6 m into required side yard
Private open space	25m ² per unit (located within required setbacks)*	25m ² per 3 bedroom dwelling (1500m ²) not to be located within required setback
Separation between principal buildings	3.3m	3.0m
Parking Stalls (#)	95 spaces total 60 space within garages (32 spaces, 28 small car) 3 surface spaces (adjacent to play area) 32 spaces in driveway (16 small car, 16 spaces)	20 x 2 spaces (3 bedroom) = 40 12 x 1.5 spaces (2 bedroom) = 18 58 spaces
Bicycle Stalls (#)	32 spaces within garages	20 spaces 0.5 per dwelling unit Class I, 0.1 per dwelling unit Class II

*Variance obtained under DVP05-0152

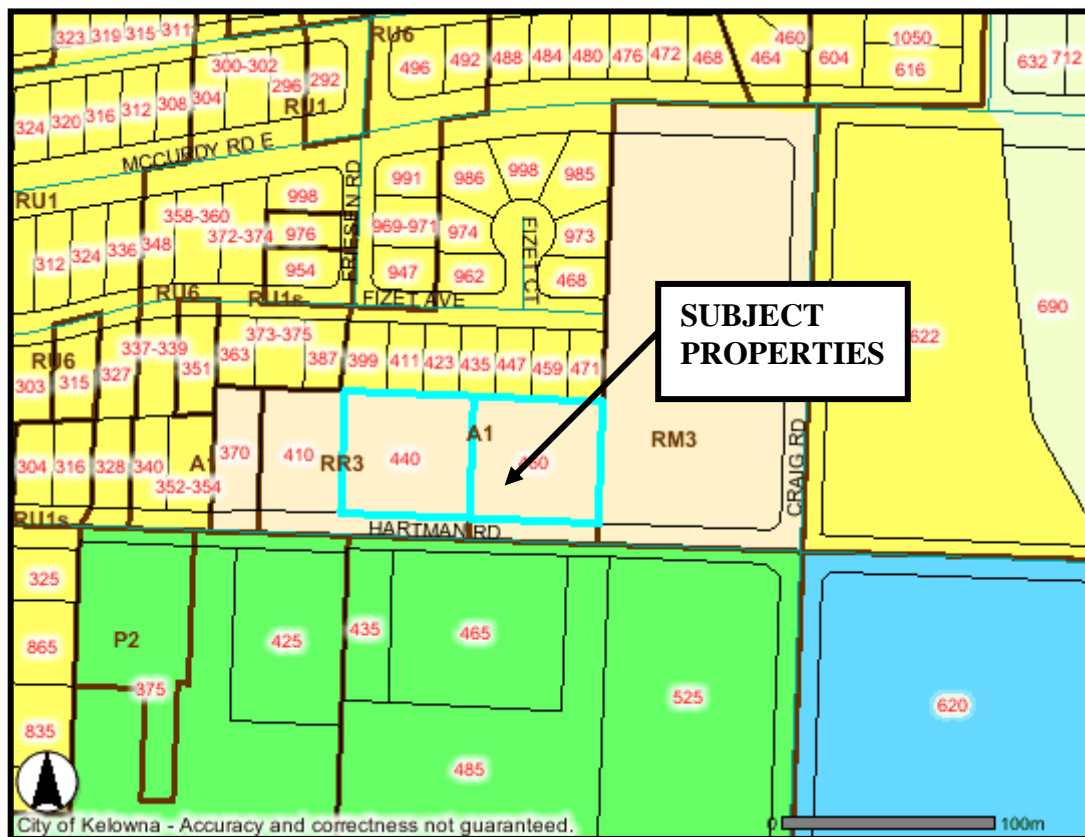
** Variance required to allow side yard setback of 3.5 m where 4.5 m is required.

4.2 Site Context

The subject property is located on. Adjacent zones and uses are:

- North - RU1 - Large Lot Housing
- East - RM3 - Low Density Multiple Housing
- South - P3 - Parks & Open Space
- West - RR3 - Rural Residential 3

Site Location Map



4.3 Development Potential

The purpose of the RM3 – Low Density Multiple Housing zone is to provide a zone for low density multiple housing on urban services.

4.4 Current Development Policy

4.4.1 City of Kelowna Strategic Plan

One of the objectives of the Strategic Plan is includes the construction of housing forms and prices that meet the needs of Kelowna residents; the achievement of accessible, high quality living and working environments; and the sensitive integration of new development with heritage resources and existing urban, agricultural and rural areas.

4.4.2 Kelowna Official Community Plan

The proposal is consistent with the land use designation Low Density Multiple Family in the Official Community Plan future land use designation (OCP, Chapter 15). In issuing conditions relating to a development permit the City will specify how development permit objectives can be satisfied. This should include consideration of the following guidelines, as examples of how to meet the objectives:

Relationship to the Street

- First storey units should ideally provide ground-level access and outdoor amenity space
- The principle front entranceway should be clearly identified and in scale with the development.

Building Massing

- Developments with multiple, separate buildings should be designed in such a manner that individual buildings contain different, but compatible shapes, masses, and/or exterior finishes.
- Developments should be sensitive to and compatible with the massing and rhythm of the established streetscape.
- Sub-roofs, dormers, balconies, and bay windows should be encouraged.

Walls

- End walls visible from a public street or residential lot should be finished to provide an attractive appearance. Blank or solid walls (without glazing) should not be longer than 5 m. Walls longer than 5 m should incorporate wall detailing that will provide visual interest.

Crime Prevention

- Guidelines for Crime Prevention Through Environmental Design Guidelines (CPTED) should be followed.

Amenities

- Appropriate high quality public spaces, which provide links to surrounding areas and open space relief within the development should be encouraged.

Parking

- Underground parking is encouraged.

5.0 TECHNICAL COMMENTS

5.1 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law.

5.2 Inspections Department

Full compliance of BC Building Code is required. A detailed review will be conducted at the building permit stage.

5.3 Works & Utilities

The Works & utilities Department comments and requirements where addressed under the associated rezoning and development permit applications.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns with the proposed variance to the side yard setback. The proposed reduced setback is to be located adjacent to the abutting Capstone Estate, constructed by the same developer. Staff also notes that the limited openings proposed on the east elevations of the buildings, in addition to landscaping along the east property line, ensure that privacy of the neighbouring property will not be compromised by the proposal to reduce the required setback by 1.0m.

Andrew Bruce
Development Services Manager

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

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Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

- **Location of subject property**
- **Site plan**
- **Elevations**
- **Landscaping Plan**