
CITY OF KELOWNA

MEMORANDUM

Date: February 10, 2006
File No.: **DVP06-0027**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT OWNER: R 521 ENTERPRISES LTD.
APPLICATION NO. DVP06-0027

AT: 4450 GORDON DRIVE APPLICANT: PROTECH CONSULTANTS
LTD.

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY THE
REQUIREMENTS OF THE RU5 – BARELAND STRATA HOUSING
ZONE TO REDUCE THE SUM OF THE SIDE YARD SETBACKS
FROM 3.0 M REQUIRED TO THE 2.4 M SUM PROPOSED FOR
INTERNAL LOTS, AND FROM 4.5 M SUM REQUIRED TO THE 2.9
M SUM PROPOSED FOR FLANKING CORNER LOTS

PROPOSED ZONE: RU5 – BARELAND STRATA HOUSING

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DP06-0027; Protech Consultants Ltd.; Strata Lots 1 – 44, DL 358, O.D.Y.D., Plan KAS2901, located on Gordon Drive, Kelowna, B.C.;

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

Vary Section 13.5.6(f) **Development Regulations** of the City of Kelowna Zoning Bylaw No. 8000 to reduce the side yard setback requirements for bareland strata lots where there is no semi-detached housing from the 3.0 m required to 2.4 m, and to reduce the side yard setback requirements for bareland strata lots that abut an internal roadway from the 3.0 m from a flanking roadway required to 1.7m and the sum of both side yards from the 4.5 m required to 2.9 m.

2.0 SUMMARY

The applicant originally made application (Z01-1004) in January 2001 to rezone the subject property from the previous RU1 – Large Lot Housing to the RU5 – Bareland Strata zone in order to permit the development of a 47 lot bareland strata development. At the time that the Bareland Strata Plan was registered, the lot yield resulted in a total of 44 lots.

This current application is for a Development Variance Permit to authorize a reduction in the sum of the interior side yard building setbacks from the 3.0 m required to the sum of 2.4 m proposed, in order to permit a minimum side yard setback of 1.2 m to both sides of the proposed interior lots. Furthermore, where a bareland strata lot abuts a flanking internal roadway, this variance also seeks to reduce the sum of the side yard building setbacks from the 4.5 m required to the sum of 2.9 m proposed, with a minimum setback of 1.7 m from the flanking street and 1.2 m from the interior side yard property line.

3.0 BACKGROUND

3.1 The Proposal

The applicant originally made application (Z01-1004) to rezone the subject property from the previous RU1 – Large Lot Housing to the RU5 – Bareland Strata Housing zone. That application proposed the development of 47 bareland strata lots. That application proceeded to a successful public hearing on July 17, 2001, and received second and third readings the same night. That zone amending bylaw was adopted on January 10, 2005.

Section 13.5.6(f) **Development Regulations**, of the RU5 – Bareland Strata Housing zone states:

“The sum of both side yards on a bareland strata lot, where there is no semi-detached housing, shall be 3.0 metres except where a bareland strata lot abuts an internal roadway, the setback shall be a minimum of 3.0 metres from the flanking roadway and the sum of both side yards shall not be less than 4.5 metres. A garage or carport shall be no less than 6.0 metres from a curb or sidewalk. Where there is semi-detached housing, no more than one dwelling unit is permitted per bareland strata lot. A 0.0 metre side yard is permitted on either side of the property line over which the building sits in order to accommodate this housing type, when the other side yard on each bareland strata lot is a minimum of 3.0 metres,”

This current application for a Development Variance Permit seeks a reduction of the sum of the sideyard setbacks of the RU5 – Bareland Strata Housing zone from the 3.0 m required to 2.4 m. proposed for internal bareland strata lots, in order to permit a minimum of a 1.2 m side yard setback to both sides of the proposed dwellings. Furthermore, where a bareland strata lot abuts a flanking internal roadway, this variance also seeks to reduce the sum of the side yard building setbacks from the 4.5 m required to 2.9 m proposed, with a minimum setback of 1.7 m from the flanking street and 1.2 m from the interior side yard property line. The reduction to the side yard setbacks is to facilitate a 34' (10.36m) wide house plan for the proposed lots which are proposed to be a minimum of 12.8 m wide. The minimum lot width required in the RU5 zone is 12 m.

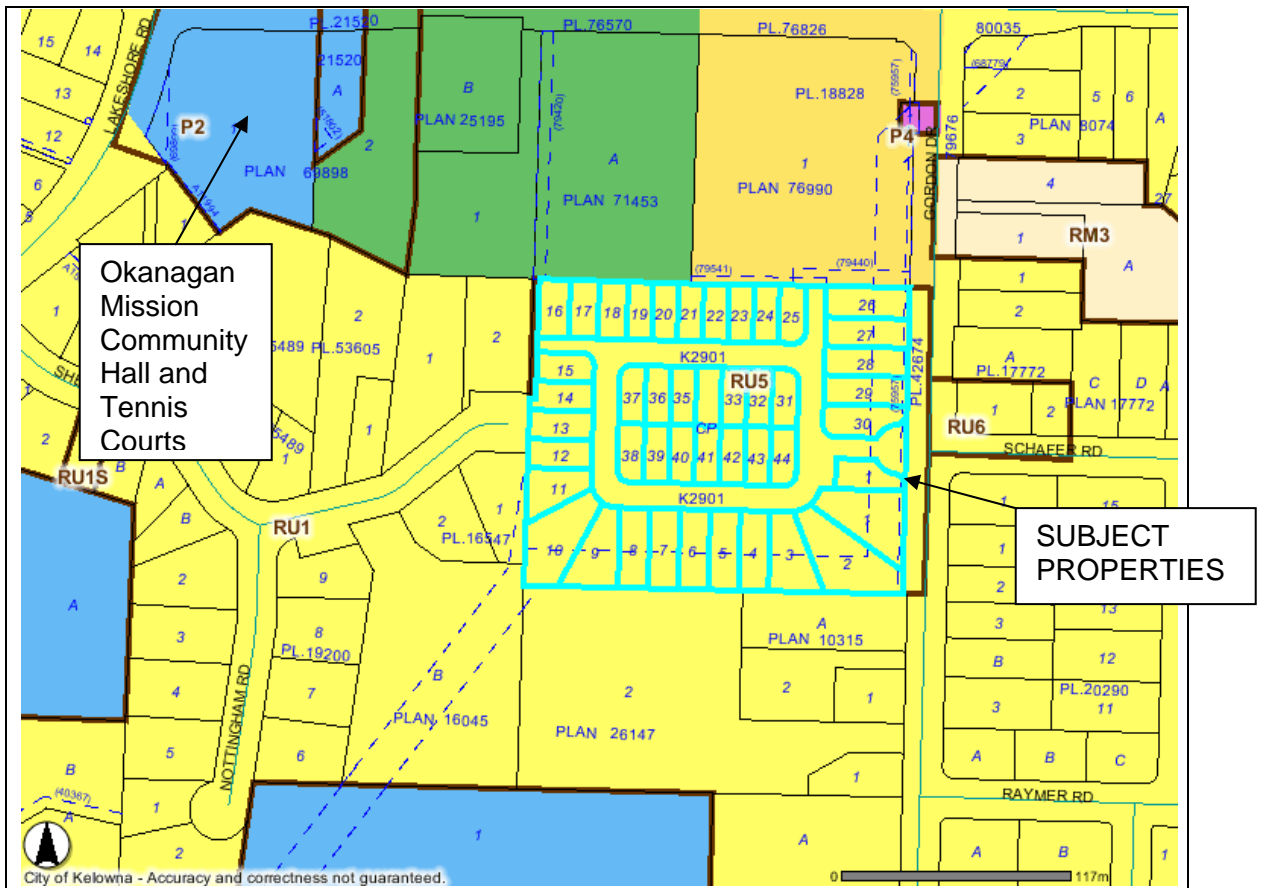
This request for a siting variance is comparable to the siting variance (DVP01-10,087) that was authorized for the Balmoral Estates development located at the south west corner of Guisachan Road and Burtch Road.

It is interesting to note that the RU3 – Small Lot Housing zone has similar side yard setback requirements of 1.2 m for 1 or 1 ½ storey portion of a building.

The proposal as compared to the RU5 zone requirements is as follows:

CRITERIA	PROPOSAL	RU5 ZONE REQUIREMENTS
Development Site Area (m ²)	2.89Ha.	1.0Ha (min.)
Setbacks (m) Strata Lot		
- Side	Internal lots – Sum of 2.4 m (1.2 m each side) Flanking Street – Sum 2.9 m (1.7 m to flanking st., 1.2 m to interior property line)	The sum of both side yards on a bareland strata lot shall be 3.0 m except where a bareland strata lot abuts an internal roadway, the setback shall be a minimum of 3.0 m from the flanking roadway and the sum of both side yards shall not be less than 4.5 m.

Subject Property Map



3.2 Site Context

The subject property had been a hay field located in an former rural neighbourhood. The neighbourhood has had applications for increased residential uses in the area.

Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing
- East - RU1 – Large Lot Housing
RU6 – Two Dwelling Housing
- South - RU1 – Large Lot Housing
- West - RU1 – Large Lot Housing

3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The proposal is consistent with the Single/Two Unit Residential future land use designation of the Official Community Plan.

3.3.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- 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 decisions made by the City.

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

Realize construction of housing forms and prices that meet the needs of Kelowna residents.

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 Fire Department

No Concerns

4.2 Inspection Services Department

Spatial Separation calculations will have to be submitted with each building permit application to confirm compliance with BC Building Code requirements

4.3 Works and Utilities Department

The proposed variance does not compromise Works & Utilities servicing requirements.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

This current Development Variance Permit seeks approval of a reduction of the sum of the side yard building setbacks from the 3.0 m required to the 2.4 m proposed for internal bareland strata lots, and a reduction of the sum of the side yard building setbacks for flanking bareland lots from the 4.5 m required to the 2.9 m proposed for flanking internal roadway lots. This will result in a 1.7 m side yard building setback to flanking lots lines, internal roadways and an internal side yard building setback of 1.2 m, which is the same side yard setback permitted in the RU3 – Small Lot Housing zone for buildings that are 1 or 1 ½ storeys high. The proposed 3.0 m side yard building setback reduction to 1.2 m along flanking internal roadways will still maintain a back of curb to building face of 4.5 m taking into consideration a boulevard area between the property line and back of curb of the roadway. All proposed front yard building setbacks will be 6.0 m from back of curb to garage wall.

The Planning and Development Services Department is prepared to support the proposed variance as there have been similar variances granted for comparable forms of development,.

In light of the above, the Planning and Development Services Department supports this development variance permit application, and recommends for Council's positive consideration of this application.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

PMc/pmc
Attach.

Attachments

State of title

Subject Property Map

Detail – Building on Lot Layout indicating requested variances

AIR PHOTO

