
CITY OF KELOWNA

MEMORANDUM

Date: March 21, 2006

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DVP06-0004

OWNER: Lisa Leanne Worman

AT: 340 West Avenue

APPLICANT: Shane and Lisa Worman

PURPOSE:

TO VARY THE FRONT YARD SETBACK FROM 4.5M
REQUIRED TO 2.0M PROPOSED

TO VARY THE REAR YARD SETBACK FROM 4.5M REQUIRED
TO 2.0M PROPOSED

TO VARY THE FRONT YARD SETBACK FOR AN ACCESSORY
BUILDING FROM 9.0M REQUIRED TO 6.02M PROPOSED
(EXISTING) AND TO VARY THE SIDE YARD SETBACK FOR AN
ACCESSORY BUILDING FROM 2.0M REQUIRED TO 1.80M
PROPOSED (EXISTING)

EXISTING ZONE: RU1 – LARGE LOT HOUSING

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP06-0004; Lot 8, District Lots 14 and 135, ODYD Plan 14499, located on West , Kelowna, B.C.;

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

Section 13.1 – Large Lot Housing: 13.1.6(e):

Vary the rear yard setback from 4.5 m required to 2.0 m proposed.

Section 13.1 – Large Lot Housing: 13.1.6(c):

Vary the front yard setback from 4.5 m required to 2.0 m proposed.

Section 6.5 – Accessory Development: 6.5.7(a) and (b):

Vary the front yard setback from 9.0 m required to 6.02 m proposed (existing) and side yard setbacks from 2.0 m required to 1.8 m proposed (existing).

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 BACKGROUND

At the present time there is a one-storey single family dwelling located on the subject property. It conforms to the 15m Okanagan Lake setback as well as the required Okanagan Lake sightlines. The building is non-conforming with regard to its rear-yard setback and front yard setback due to the orientation of the lot with respect to West Avenue. There is an existing two car detached garage on the eastern side of the property.

3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of February 14, 2006 it was resolved:

THAT the Advisory Planning Commission ***not*** support Development Variance Permit Application No. DVP06-0004, for 340 West Avenue, Lot 8, Plan 14499, Sec. 13, Twp. 25, ODYD, by Shane & Lisa Worman, to obtain a Development Variance Permit to vary the front yard setback from the required 4.5 m to the proposed 2.15 m.; to vary the rear yard setback from the required 4.5 m to the proposed 1.35 m; to vary the front yard setback for an accessory building from the required 9.0 m to the proposed 6.02 m and to vary the side yard setback from the required 2.0 m to the proposed 1.80 m.

***Note:** The APC recommended that the applicant redesign the proposal to meet side yard setback requirements on both the north and south sides of the property. The applicant has considered this recommendation and elected to make the change.*

4.0 SUMMARY

The applicant is seeking to replace the existing house on the subject property. The subject property is located on the north side of West Avenue between Okanagan Lake and Abbott Street. The existing house is legally non-conforming with regard to its front, rear and side yard (accessory) setbacks. This is due to the fact that the existing house is sited to consider the east/west orientation of the lot rather than acknowledging West Avenue as the front yard. The applicant is proposing to maintain the existing (non-conforming) setbacks; however, is also proposing to increase the height of the building to two-stores and the length of the encroachment in several areas.

The applicant has indicated that the final design will not encroach into the Okanagan Lake 60° Sightline of the neighbour to the north nor will it encroach into the 15m riparian management area.

5.0 ZONING CHECKLIST

The application meets the development regulations of the RU1 – Large Lot Housing zone as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Lot Area (m ²)	1,246m ²	550m ²
Lot Width (m)	15.2m	17.0m
Lot Depth (m)	80m	30.0m
Setbacks – Single Family Dwelling		
Front Yard	2.0m ^❶	4.5m (or 6.0m to a garage or carport)
Side Yard (W)	20.15m	15.0m (Okanagan Lake Setback)
Side Yard (E)	20m	1.5m
Rear Yard	2.0m ^❷	4.5m (lot is wider than it is deep)
Okanagan Lake Sightline	60 ⁰	60 ⁰
Building Height	2	2.5 storeys
Projections (northern side yard)	27%	0.6m to a maximum of 30% of the building elevation
Setbacks - Accessory		
Front Yard	6.02m (existing)	9.0m (Double the front yard setback for the zone)
Side Yard (W)	9.84m (existing)	1.5m
Side Yard (E)	1.80 (existing)	2.0m ^❸
Rear Yard	1.80m (existing)	1.5m

❶ THE APPLICANT IS SEEKING TO VARY THE FRONT YARD SETBACK FROM 4.5M REQUIRED TO 2.0M PROPOSED

❷ THE APPLICANT IS SEEKING TO VARY THE REAR YARD SETBACK FROM 4.5M REQUIRED TO 2.0M PROPOSED

❸ THE APPLICANT IS SEEKING TO VARY THE FRONT YARD SETBACK FOR AN ACCESSORY BUILDING FROM 9.0M REQUIRED TO 6.02M PROPOSED AND TO VARY THE SIDE YARD SETBACK FOR AN ACCESSORY BUILDING FROM 2.0M REQUIRED TO 1.80M PROPOSED

6.0 SITE CONTEXT

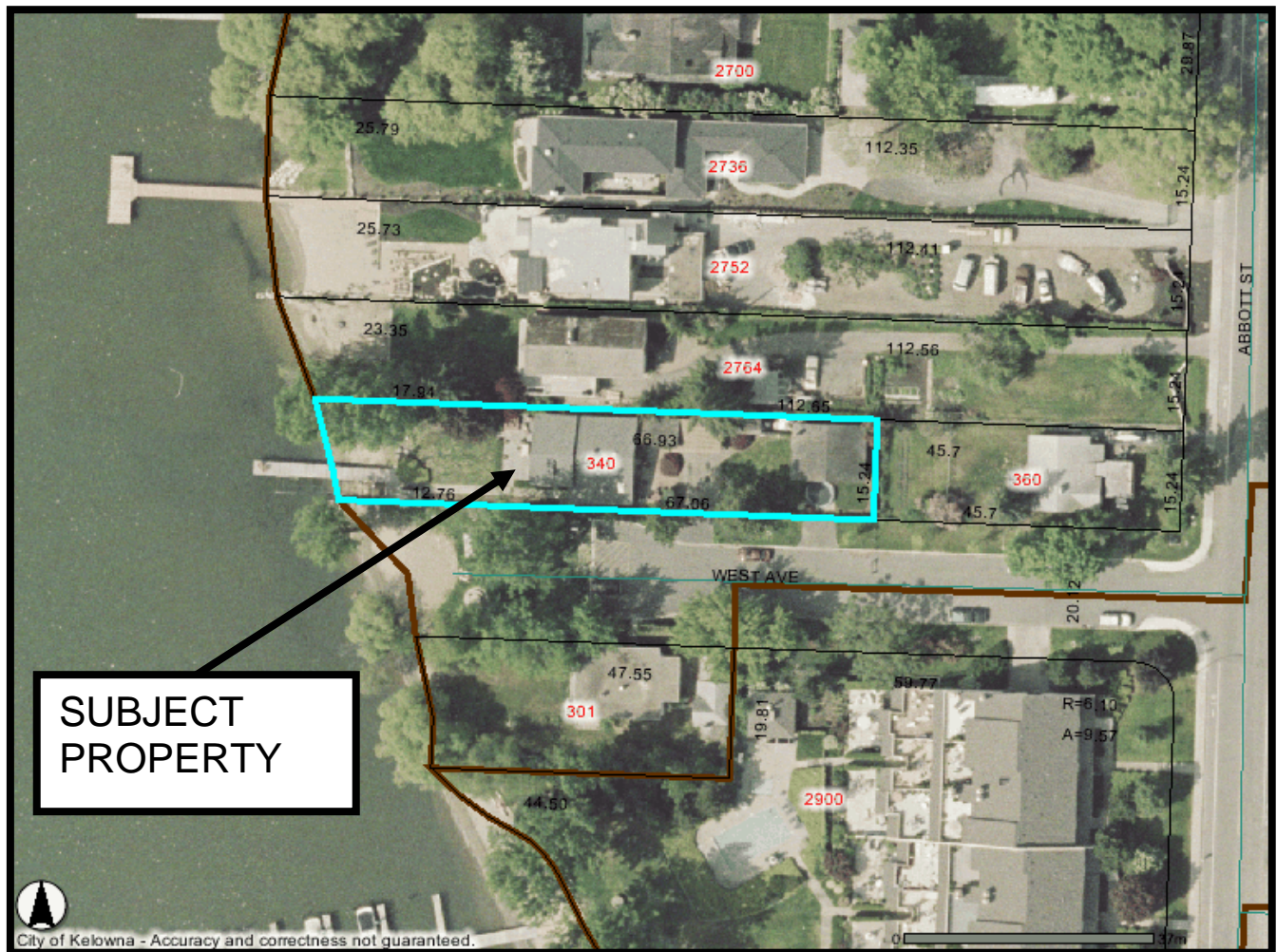
The subject property is located on the north side of West Avenue between Okanagan Lake and Abbott Street

Adjacent zones and uses are:

- North - RU1 – Large Lot Housing
- East - RU1 – Large Lot Housing
- South - P3 – Parks and Open Space
- West - RU1 – Large Lot Housing

6.1 Site Location Map

Subject Property: 340 West Avenue



7.0 DEVELOPMENT POLICY

None applicable.

8.0 TECHNICAL COMMENTS

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

8.1 Inspection Services

No concerns subject to compliance with BC Building Code.

8.2 Works and Utilities

8.2.1 Domestic Water and Fire Protection

This property is currently serviced from a 19mm-diameter copper water service. The Inspection Services Department must determine if the existing service is of sufficient size. If a larger service is required, it can be provided by the City at the owner's cost.

The water meter shall be installed within the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws.

8.2.2 Sanitary Sewer

Our records indicate that this property is currently serviced with a shallow 100mm-diameter sanitary sewer service. An inspection chamber (IC) must be installed on the service as required by the sewer-use bylaw. This work can be provided by the City at the owners cost.

The applicant will be required to sign a Third Party Work Order for the cost of installing the (IC) prior to issuance of a Building Permit.

8.2.3 Site Related Issues

The requested variance to reduce the front yard setback from the required 4.5m to 2.0m, and the rear yard setback from the required 4.5m to 1.4m, does not compromise Works and Utilities servicing requirements.

No driveway access changes are anticipated.

Should access modifications be required, and then applicant will be required to enter into a servicing agreement with the City and provide the required bonding amount

9.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department originally had concerns with regard to this development variance permit application.

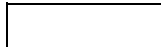
The subject property is irregular in that West Avenue is considered its front yard and the lot is much wider than it is deep. In this context, given the required front and rear yard setbacks it becomes very difficult to site a new building that would conform to the Zoning Bylaw. Staff and the APC had recommended that at the very least the applicant should attempt to provide a side yard setback along the northern property line. This would allow 2.0m to the first storey of new construction and 2.3m to the second storey. The applicant has agreed to this proposed change and has revised the development plans accordingly.

At this time staff has no further concerns regarding this application.

The applicant has approached the abutting neighbour to the north to support this development variance permit applicant; however, this neighbour has expressed concerns and has been unwilling to support the application to date.

Staff have no concerns regarding the proposed variance for the existing detached garage.

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
- Pictures
- Proposed Building Elevations