
CITY OF KELOWNA
MEMORANDUM

Date: March 28, 2006

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DVP06-0045

OWNER: David Boyce/ Cathy Jameson

AT: 4644 Fuller Road

APPLICANT: Ian Paine Construction Ltd.

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW A SIDE YARD SETBACK OF 3.2 M WHERE 4.5 M IS REQUIRED TO A FLANKING STREET.

EXISTING ZONE: RU1 – LARGE LOT HOUSING

REPORT PREPARED BY: KEIKO NITTEL

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP06-0045 for Lot A, Section 25, Township 28, SDYD, Plan 39139 located on Fuller Road, 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";
2. The exterior design and finish of the buildings to be constructed on the land be in general accordance with Schedule "B";
3. No structures and/or impermeable surfaces are permitted within the 15.0 m riparian management area setback;

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

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.1.6 (d) – Large Lot Housing

- To obtain a variance to allow a side yard setback to a flanking street of 3.2 m where 4.5 m is required.

2.0 SUMMARY

The applicant is seeking a development variance permit to allow a setback of 3.2 m where 4.5 m is required to a flanking street.

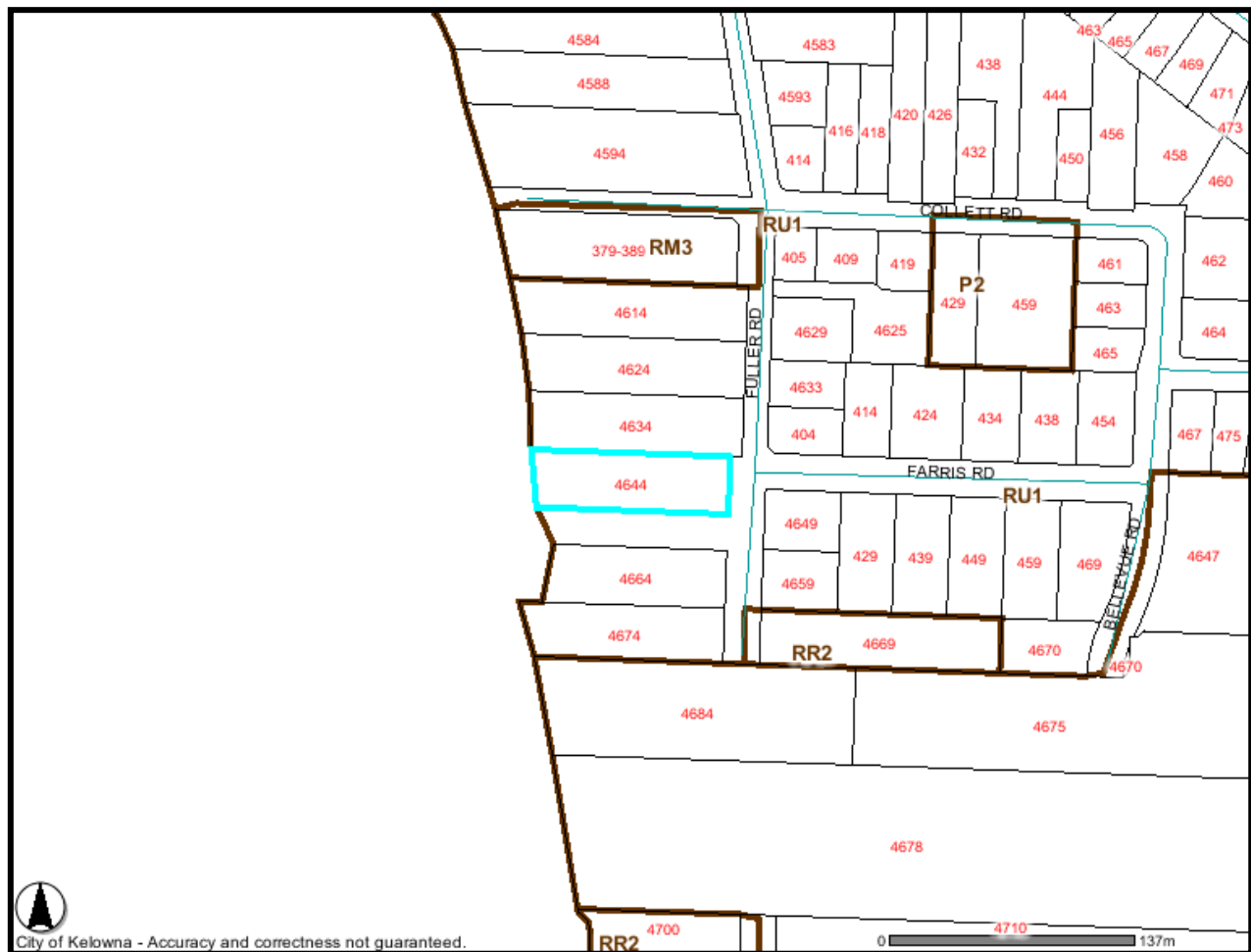
3.0 BACKGROUND

3.1 The Proposal

The applicant is proposing to construct a one storey addition on the south side of the building with a south side yard setback of 3.2 m where 4.5 m is required from a flanking street. A variance to the side yard setback is required due to the fact that the property is located adjacent to a beach access which is legally considered part of the City roadway. With the exception of the side yard setback, the proposed development conforms to the regulations of the Zoning Bylaw.

The application meets the requirements of the RU1 – Large Lot Housing zone as per the attached chart.

3.2 Site Context and Site Location Map



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The proposal is consistent with the designation of Single/Two Family Residential in the Official Community Plan future land use designation. The Single/Two Family Residential designation covers single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached buildings used for two dwelling units, and complementary uses (OCP, Chapter 15).

3.3.2 City of Kelowna Strategic Plan (2004)

Objectives of the Strategic Plan include: to realize construction of housing forms and prices that meet the needs of Kelowna residents; to achieve accessible, high quality living and working environments; to sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas

4.0 TECHNICAL COMMENTS

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

4.1 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw.

4.2 Inspection Services Department

Building permit will be required.

4.3 Parks Department

The adjacent Beach Access shall not be disturbed by the Applicant and/or Contractors during the building process.

4.3 Works and Utilities Department

The Works & Utilities Department have the following requirements associated with this development variance application.

4.3.1 Domestic Water and Sanitary Sewer

The Inspection Services Department must determine if the existing services are of sufficient size for this building addition. If service upgrades are required, they can be provided by the City at the owner's cost.

4.3.2. Development Permit and Site Related Issues

The requested variance to reduce the side yard setback from the required 4.50m to 3.20m proposed, does not compromise Works and Utilities servicing requirements.

The proposed addition will bring the south and west exposures of the house closer to existing sanitary sewer lift station. The property owner must acknowledge that increased noise and odour levels can be expected and that he may wish to implement additional measures in his building design to offset these added levels of noise and odour.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

Though developed as park space (i.e. a beach access), the abutting property to the south is legally part of the City roadway. A setback of 4.5 m is therefore required. Typically an internal lot would require only a 2.0 m side yard setback to a one storey portion of the house. The proposed setback is 3.2 m. Staff also notes that with the exception of the side yard setback, the proposal conforms to the regulations of the Zoning Bylaw. The applicant has also submitted letters of support from the adjacent neighbours. The Planning Department therefore has no concerns with the proposed variance.

Andrew Bruce
Manager of Development Services

Approved for inclusion ☐

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

KN/AB/kn

Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plans
- Elevations
- Letter from Neighbours

ATTACHMENT – ZONING CHART

CRITERIA	PROPOSAL	RU1_ZONE REGULATIONS
Site Area (m ²)	3468m ²	m ² (m ² corner lot)
Site Width (m)	32.1m	m (m corner lot)
Site Depth (m)	106.5m	30.0m
Site Coverage (%)		40%
Site Coverage including buildings, driveways, and parking (%)		50%
Parking Stalls (#)	4+ spaces	3 spaces * if lane access to lot is available all parking must be accessed from lane, existing front driveways must be removed)
Parking Stall Size	2.5 x 6.0	Width of 2.5 m (2.7 m /3.0 m/3.3m) *width is dependant on obstructions at sides, e.g. columns, walls, fence, doors – see Bylaw) Length of 6.0m or 5.0m small car (max. 1 space) *an additional 1.2 length required if directly accessed from lane.
Principal Building		
Setbacks (m):		
- Front	42.7m	4.5m or 6.0m if to a garage/carport
- Rear	24.7m RMA setback	7.5 m or 15.0 m riparian management area setback
- Side	2.1m	2.0m (1.5 storeys) or 2.3 m (2-2.5 storeys)
- Side	3.2 m**	2.0m (1.5 storeys) or 2.3 m (2-2.5 storeys) or 4.5 m flanking street
Private open space (m ²)	30.0m ² +	Min. 30.0 m ²
Height (m)	1 storey/4.0m	9.5m/ 2.5 storeys