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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** May 8, 2006

**File No.:** DVP06-0075

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:** Development Variance Permit Request

**APPLICATION NO.** DVP06-0075

**OWNER:** Denise Kristensen

**AT:** 4482 Nottingham Rd.

**APPLICANT:** Ralph & Denise Kristensen

**PURPOSE:** TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW THE CONSTRUCTION OF AN ACCESSORY GARAGE WITH A BONUS LIVING SPACE TO BE VARIED FROM 4.5 M TO 5.94 M IN HEIGHT.

**EXISTING ZONE:** RU1- URBAN RESIDENTIAL 1 (SINGLE FAMILY HOUSING)

**REPORT PREPARED BY:** DANIELLE NOBLE

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**1.0 RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP06-0075 for Lot 3, Plan 19200, D.L. 358, ODYD, located on Nottingham Road, Kelowna, B.C., subject to the following:

1. The dimensions and citing of the building to be constructed on the land be in general accordance with Schedule "A" with the exception of the side yard setback requirement increased to 2.3 m;
2. The exterior design and finish of the building to be constructed on the land be consistent with and complimentary to the existing principle house;
3. That no 220 w wiring be permitted to be installed in either the garage or the gallery (bonus room) living space;
4. That the proposed bathroom (not cited on the plans) be restricted to sink and toilet amenities only;
5. That no structural breezeway be permitted to connect the principle dwelling to the accessory building;

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

Section 13.1.6.(b) – RU1- Large Lot Housing

- To obtain a variance to allow the maximum height of an accessory building to be 5.94 m where 4.5 m is permitted;

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

## 2.0 SUMMARY

The applicant is proposing to construct an accessory building with a bonus living space situated above the garage. The proposed building design is 5.94 m in height, exceeding the bylaw requirement of 4.5 m maximum height. The bonus living space, as explained by the applicant, is intended to provide for additional living area/storage space given the limited floor area of the principle residence.

## 3.0 BACKGROUND

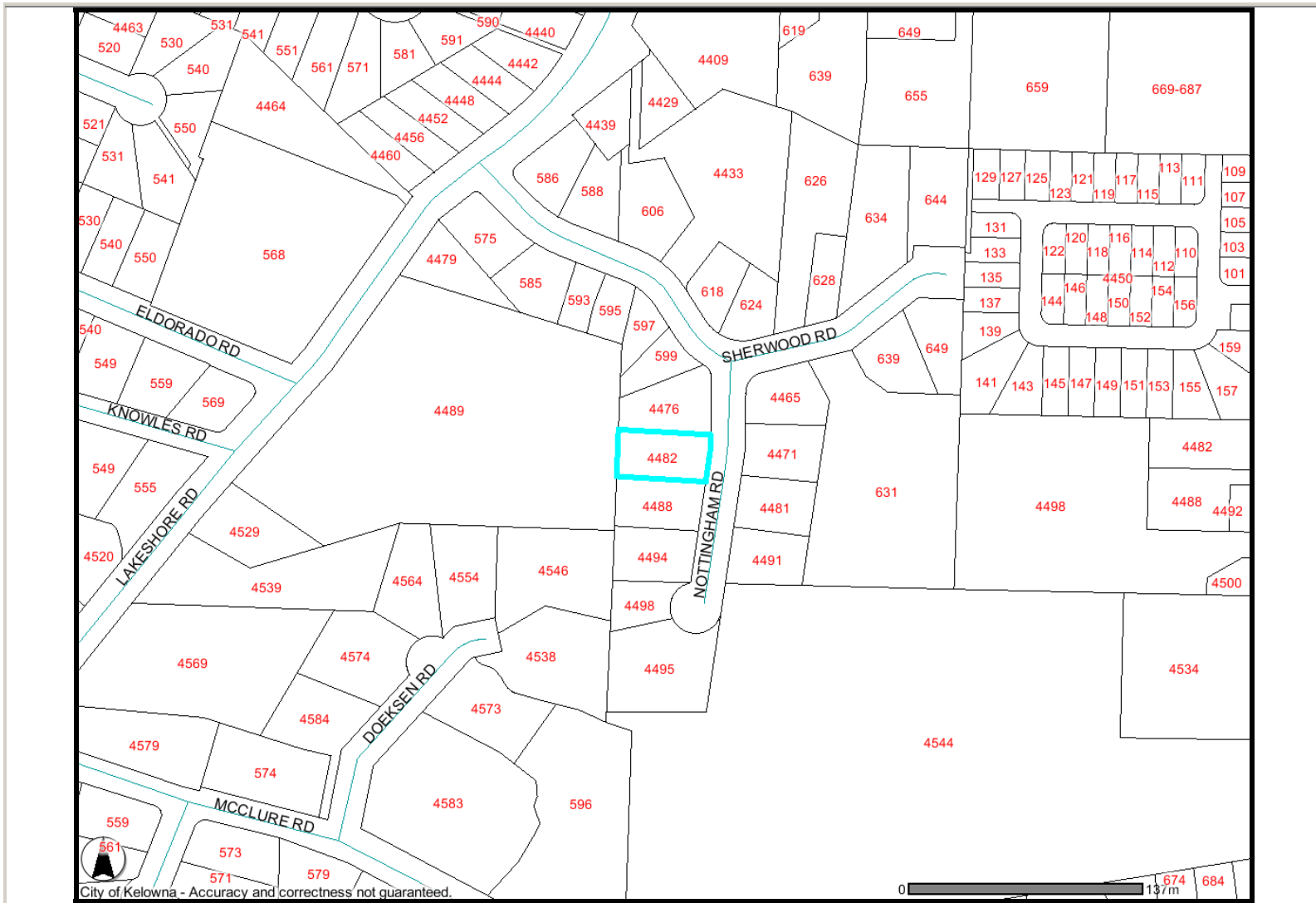
### 3.1 The Proposal

The applicant is proposing to construct an accessory building to serve both as a garage and an additional bonus room situated at the rear of the subject property. The existing two storey house is quoted as having a floor area space of approximately 1,000 square feet. As such, there are practical limitations for the family given a restricted living area, and require the bonus room for additional living area. The regulations of the Zoning Bylaw require that the maximum height of the accessory building not exceed 4.5 m, and the proposed design has a height allowance of 5.94 m. The drawings indicate a structural breezeway connection to be constructed from the existing principle house to the accessory building.

The proposed accessory building contains a two car garage and shop area on the ground level. The gallery/bonus room located above proposes to be a large open space (with no bathroom design submitted as this time). However, it has been verbally indicated that a bathroom will be incorporated into the upper floor space. Hedging and various landscaping treatments buffer the subject property from the abutting properties. With the exception of proposed height variance, the proposal meets the regulations of the Zoning Bylaw.

### 3.3 Location Map

Subject Property: 4482 Nottingham Rd.



### 3.4 Existing Development Potential

The property is currently zoned RU1– Single Family Housing. The purpose of the zone is to provide a zone for single detached housing, and compatible secondary uses, on larger services urban lots.

### 3.5 Current Development Policy

#### 3.5.1 Kelowna Official Community Plan

The proposal is consistent with the land utilization within single detached areas, by working towards achieving more efficient use of land within developed single-detached neighborhoods by encouraging applications that efficiently utilize larger lots and projects that are sensitively integrated into a neighborhood (OCP, Chapter 8).

3.5.2. City of Kelowna Strategic Plan (2004)

Objectives of the Strategic Plan includes: 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 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department is supportive of the proposed development, provided the suggested conditions are applied to regulate the form, design, and integration of the new structure into the existing neighborhood. Importantly, the increased side yard setback requirement from 1.5 m to 2.3 m is a requirement that is standard for all buildings that are 2 stories. The additional height of buildings can more sensitively be integrated into a neighborhood with greater setbacks to minimize impacts of crowding, shading, infringement of privacy, and safety concerns.

While supportive of the variance, Staff is generally not supportive of the structured breezeway connecting the accessory building to the existing residence. Additionally, should the owner(s) decide in the future to convert the accessory building to a suite through a re-zoning process, the form and character of the development would be addressed through a Direct Development Permit process.

Additionally, Inspection Services Staff have implemented a new policy regulating building design to prevent illegal suite potential in dwelling units (attached for your reference). Notably, design features such as an energy source that could be utilized by a range/appliance is identified as a building design feature that is to be rejected. Given this newly implemented policy, the proposal of 220 w wiring cannot be supported, even if it is solely restricted to the confinement of the garage given future potential for the entire accessory building to be converted to alternate uses such as an illegal secondary suite.

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Andrew Bruce  
Development Services Manager

Approved for inclusion

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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
- Aerial photo
- Site Plan / Elevations
- City of Kelowna Memorandum (Re: Building Design)